NEA REFERENDUM **MYRON LIEBERMAN**

THE NATION

NOVEMBER 6, 1972 *50 cents*

NOV 8 '72
8-72 8-74
The Sherrod Library
Periodicals Dept.
E. Tennessee St. Univ.
Johnson City, Tn. 37601

Scientists as Diplomats
WHAT IS PUGWASH ANYWAY?
BERNARD T. FELD

Medicare: The Easy Swindle
Rose DeWolf

Negative Evidence
KNOWING NIXON BY HIS VETOES
A. Q. MOWBRAY

Joseph C. Goulden / 'The Superlawyers'
John M. Blair

ETSU LIBRARY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

EDITORIALS

CAMPAIGN '72

The Big Thing

This zany campaign has resulted in at least a few windfall benefits, regardless of the outcome. One is Michael Harrington's timely and courageous resignation as national co-chairman of the Socialist Party-Democratic Socialist Federation. His letter of resignation, which we hope to publish in its entirety in an early issue, is not only a moving and impressive statement but politically it may well mark the beginning of a new phase in Left-labor-radical politics. Harrington had accepted the national co-chairmanship with full awareness of sharp differences with the party majority on certain issues, but he had thought—or hoped—that the party would be united in the Presidential campaign. However, at a recent meeting the National Committee voted 18 to 10 for a so-called "compromise" resolution preferring McGovern to Nixon, a resolution so backhanded and reluctant that it committed the party to an anti-Nixon position "only in the most formal sense." Meanwhile the party press continued to attack those who supported McGovern, rather than focusing its attention on Nixon. Even this "shamefaced position" did not tell the real story; some of "the most prestigious leaders" of the majority refused to give McGovern any support and privately took the position that they would look with enthusiasm on another four years of Nixon rule. This was too much for Harrington, so he resigned.

The fact is that the party's majority contains leadership elements that have kept the Socialist cause tightly tied, these many years, to their non-Socialist positions. Morbidly "anti-Communist," these same "prestigious leaders" were cold warriors before there was a cold war. They have, in one degree or another, consistently supported the war in Vietnam. Most of them have been slavish in their adherence to George Meany's leadership of the AFL-CIO; they have mistakenly identified Meany with the American working class; to them Meany *is* American labor. Many of them, it might be noted, have been directly or indirectly on Meany's payroll for years or, to put it another way, have received paychecks from institutions which in turn were funded by the AFL-CIO. Their hatred of the peace movement, of those who supported McCarthy in 1968 and support McGovern this year, and of "New Politics" elements in general, is boundless.

In a curious way, their position is not unlike the Communist Party's one-time obsession with "social fascism," when the Communists centered their fire on elements that were closest to them ideologically and politically and failed to attack the real enemy. The argument was, as some will remember, that after that silly fellow Hitler had fallen flat on his face, it would be easy to move in and pick up the pieces. The elements Harrington singles out for his stinging rebuke no doubt feel that Meany will pick up the pieces of the politically divided labor movement after November 7, and that he and his counterparts will resume their command posts in the Democratic Party. Maybe. But it is already clear that Meany's remorseless pursuit of the insurgent unions and affiliates has crippled labor's effort in this campaign. It is inherently difficult for unions to maintain a theoretical "neutrality" in a Presidential race and, at the same time, give all-out support to its favorites in the Congressional contests (see "A House Divided," *The Wall Street Journal*, October 24).

The majority element in the Socialist Party is influential, to a degree, in the labor movement and, over the years, this influence has been one of the prime reasons why labor has consistently supported the cold war, including the slaughter in Vietnam. That this element has now been directly and boldly challenged by a man of Harrington's standing and reputation could mean that a genuine Socialist movement may at last have some chance of emerging. Not only is Harrington a brilliant journalist and polemicist but more than any other person today he stands for what might be called a viable modern Socialist position. Knowing him over the years, I was not surprised by his resignation; it is what one might have expected him to do. He is a dedicated Socialist but, as his letter shows, he can distinguish a Socialist position from diehard "anti-Communist" paranoia.

* * *

Reacting to the unfolding espionage-and-sabotage disclosures, a section of the press has been induced to adopt the Administration's line on these scandals. I know of at least three major efforts now under way to work up journalistic "features" on the theme that "dirty tricks" have always been part of the American political tradition. [*Time* notes this same trend; see "Good Old Dirty Tricks?"; p. 12 in the October 30th issue.] Researchers have been assigned to the Library of Congress to dig up as many juicy references as possible to such antics, dating back to Jefferson and Jackson, and historians have been interviewed in quest of similar material. The inference which these stories will convey is that the current scandals are merely part of a historic pattern and, therefore, nothing to cause very serious distress. But the element quite new in these recent disclosures is the unmistakable evidence that the President is himself responsible for what has happened. Mr. Nixon's continued silence, his refusal to flush out those on his personal staff who are known to have had immediate ties with the sabotage "pranksters," distinguishes the current scandals from those of former years.

Just as the President's personal responsibility should be stressed, so too the media should give the electorate a "crash" briefing on the nature of "corruption" in modern politics. To a large section of the electorate the word "corruption" conjures up the image of a Cabinet officer making off with a batch of securities in exchange for a favor and getting caught red-handed with "the little black bag." But the modern pattern is different. Consider the case of Maurice Stans, who was president of the third largest brokerage firm in the country before becoming Secretary of Commerce in 1969. In 1971 the firm was in serious difficulties as a result of the 1970-71 recession. Efforts were then made by John Mitchell, John Connally and Peter Flanigan, according to published accounts of what happened, to induce H. Ross Perot—who is one of the directors of the Richard M. Nixon Foundation—to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bail Stans's firm out of its difficulties. On March 17, 1971, Perot agreed to put up stock as collateral for a loan of some $64 million. In the early part of 1969 the Social Security Administration had turned down five huge Medicare contracts worth some $60 million, for which Perot's data-processing company had been angling. Later the decision was reversed and he got the contracts—over the objections of the Social Security staff (see reports by Jim Ridgeway and Jack Anderson). The first of the five contracts was signed about a week after Perot had agreed to come to the assistance of the brokerage firm.

Transactions of this kind excite little interest or curiosity nowadays. Nor is there much interest in the way Stans extracted GOP campaign contributions from a long list of large corporations whose executives he had placed on various figurehead Commerce committees—by way, so he says, of giving big business an "input" to the Administration. What we need is a primer on "corruption," modern-style. When a police officer is paid off for fixing a case, that, we all agree, constitutes corruption. But acquiring "input" and specific concessions in exchange for campaign contributions is not. True, there is nothing new about influence peddling; in this sense the statement from the Monthly Investment letter of Harris, Upham & Company, which we quoted two weeks ago and which has now been picked up by other publications, that "corruption is as American as apple pie" is correct. But what must be emphasized is that there is something new about the Watergate and related scandals—in addition to their scale and boldness and the way in which the Administration, and most specifically the President, disclaims responsibility for them—and that is the apparent acceptance by the electorate of the irrelevance of such acts and the political standards implied. "The big thing," as columnist Bruce Biossat pointed out recently, "is that too many today neither practice nor believe in standards of behavior. Why should they get excited about Watergate? What the politicians do is what a lot of them do. If they were in public office, would they be different?" This is "the big thing" that should concern us.

* * *

An old political maxim has it that the best way to know what a governor or a President really stands for is to study his vetoes. When a President is handed a program and rejects it, his action speaks much louder than campaign promises or what he may have said. In this issue (p. 426) A. Q. Mowbray takes a look at some of Nixon's vetoes. They constitute, as he notes, a "roll of the condemned." And there are other vetoes. Rep. Morris K. Udall placed a complete list in the *Congressional Record* of October 11. From a study of them, as Udall notes, a clear pattern emerges. "The President has consistently opposed programs which would have benefited the working man, the poor and the elderly. . . . There has been a qualitative difference in the kind of bills singled out for the Presidential veto. It amounts to a direct disregard by this Administration, compared with those of earlier Presidents, of the will of the people as expressed by the Congress. Many of the programs were desperately needed to face serious and growing problems. . . . The record has been set forth and it speaks for itself."

CAREY MCWILLIAMS

IN THIS ISSUE

November 6, 1972

EDITORIALS

418

ARTICLES

422 A Peaceful Place? The Philippines Hold Their Breath — *Richard Critchfield*
426 Negative Evidence: Knowing Nixon by His Vetoes — *A. Q. Mowbray*
429 Medicare: The Easy Swindle — *Rose DeWolf*
431 Scientists as Diplomats: What Is Pugwash Anyway? — *Bernard T. Feld*
435 The NEA Referendum: Teachers at the Crossroads — *Myron Lieberman*

BOOKS & THE ARTS

437 Goulden: The Superlawyers — *John M. Blair*
438 Lives (poem) — *Pablo Neruda*
440 Kawabata: The Master of Go — *Charles Bazerman*
441 Davie: California — *Peter Dreyer*
442 What God Hath Wroth — *Charlotte Painter*
442 Rivals (poem) — *Deborah Tall*
443 Keneally: The Chant of Jimmie Blacksmith — *Robert K. Morris*
444 Theatre — *Harold Clurman*
445 Art — *Lawrence Alloway*

Publisher
JAMES J. STORROW Jr.

Editor
CAREY McWILLIAMS

Associate Publisher
GIFFORD PHILLIPS

Executive Editor
ROBERT HATCH

Literary Editor
EMILE CAPOUYA

Copy Editor, MARION HESS; Poetry Editor, GRACE SCHULMAN; Theatre, HAROLD CLURMAN; Art, LAWRENCE ALLOWAY; Music, DAVID HAMILTON; Science, CARL DREHER; Advertising Manager, MARY SIMON; Circulation Manager, ROSE M. GREEN.

Editorial Associate, ERNEST GRUENING

Washington, ROBERT SHERRILL; London, RAYMOND WILLIAMS; Paris, CLAUDE BOURDET; Bonn, C. AMERY; Jerusalem, HERBERT KROSNEY; Canberra, C. P. FITZGERALD; U.N., ANNE TUCKERMAN.

The Nation is published weekly (except biweekly in July and August) by the Nation Company and copyright 1972 in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York, N. Y. 10014. Tel: CH 2-8400. Second class postage paid at New York, N. Y.

Subscription Price: One year $15; two years, $27.50. Add $1 per year postage for Canada and Mexico; $2 other foreign.

Change of Address: It is essential that subscribers ordering a change of address give five weeks' notice and provide their old as well as their new address. Please give Zip Code numbers for both addresses.

Manuscripts. All work submitted will be read by the editors. The magazine cannot, however, be responsible for the return of unsolicited manuscripts unless they are accompanied by stamped, self-addressed envelopes.

Information to Libraries: The Nation is indexed in Readers' Guide to Periodical Literature, Book Review Digest, Book Review Index and the Public Affairs Information Service.

THE NATION

Volume 215
No. 14

The Sherrod Library
EAST TENNESSEE STATE UNIVERSITY
Johnson City, Tennessee

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Nixon's Four-Year War

The Indochinese war under President Nixon has now lasted nearly 1,400 days and in a week or two will equal the duration of World War II from Pearl Harbor to V-J Day. Pointing to this correspondence, Sen. Harold E. Hughes (D., Iowa) presented an array of lugubrious figures (*Congressional Record,* September 26) which by themselves should insure Mr. Nixon's defeat on November 7. One-third of the people of the nations of Indochina have been driven from their homes. More than a million have been killed. Hundreds of thousands have been wounded—no one can even estimate how many—some so severely that they will soon die; others are crippled for life. Whether soldiers or civilians predominate among the casualties is also unknown. Air Force Maj. Gen. John W. Pauly, deputy director for operations of the Joint Chiefs of Staff, recently testified before Sen. Edward M. Kennedy's subcommittee on refugees that air strikes are "critiqued" in the field and, where possible, "collateral damage"—hits on civilian targets—is evaluated, but these data, such as they are, do not reach the Joint Chiefs. Commenting on General Pauly's testimony, Senator Kennedy said, "It is apparent . . . that at the highest levels of our government—where the decisions for the massive bombing and shelling of North Vietnam are made—there is no regular procedure for observing and monitoring the damage being done to civilian populated areas."

In the first nine months of 1972, 800,000 tons have been dropped compared with 763,000 tons in all of 1971. Only about 35,000 American soldiers are still stationed in South Vietnam, but some five times that number are on active service, mainly in aerial bombing from naval vessels in the Gulf of Tonkin and the five American air bases in Thailand.

Of the more than 56,000 Americans who have died in Indochina since the United States went to war there without rhyme or reason, President Nixon's share is about 20,000 killed, 100,000 wounded, and about a 40 per cent increase in prisoners of war and men missing in action. All this senseless carnage is Mr. Nixon's responsibility, even if he ends the war tomorrow morning. And $68 billion is the money cost since he came to office in January 1969.

In the September 1972 *Western Political Quarterly,* Dr. James L. Clayton of the University of Utah puts the cost of the war to date at $144 billion, but that is only a down payment. Veterans' benefits may run the total cost up to $265 billion. Dr. Clayton reminds us of another point that is habitually overlooked. A study by Dr. Bruce M. Russett of Yale shows that we are *not* blessed with both guns and butter. Every dollar spent on defense—in this war it is better defined as aggression—is offset by about 42¢ in reduced private consumption. Consumer durables suffer particularly and capital investment is somewhat lessened; but hardest hit are welfare, education and public health. Russett concludes that our most expensive wars "have seriously hampered the nation in its attempt to build a healthier and better educated citizenry, and that very great effort will be necessary to change our priorities from a war-oriented society to a more peaceful one."

The immediate social costs are fantastic. The 26 million craters which scar the Vietnamese countryside are matched by what Hughes calls "craters of neglect" here in the United States. Tensions at home are aggravated, the nation is divided, the morale of the Army has crumbled, and drug addiction spreads from returning soldiers to civilians. Many Americans have been dehumanized to the point where they are indifferent to the slaughter inflicted on those of a different race. As long as our men are no longer being killed and mutilated in large numbers, they are quite comfortable.

If he possessed a remnant of conscience—anything but the passion to be re-elected between now and November 7—President Nixon would come out from behind those locked doors and give the voters an account of *his* war—not the war he inherited but the war of his own, which he has kept going as long as the unavoidable war in which we were attacked and in which we defeated the Fascist powers and the Japanese. What precisely has been gained by the four-year Nixon war against a tiny military power? What have the costs been, disclosed and hidden, and what are the future costs, monetary and moral? And with this record, what is Mr. Nixon's claim to another four years in office?

Postscript to a Filibuster

Washington

An axiom of government holds that the Senate, only a third of whose members must stand for election every two years, provides a mature and rational check to the House of Representatives, where all the members face re-election every two years and are therefore more swayed by the passions of the moment. The truth of the axiom was borne out during the closing hours of the 92nd Congress, when the Senate efficiently knocked off the anti-bussing bill, the original version of which was cynically called by President Nixon the "Equal Educational Opportunity Act of 1972."

During a twelve-hour marathon session in August, the House had rammed through a bill by a nearly 2-to-1 margin, as normally liberal Democrats like James O'Hara and William Ford, both of Michigan, responding to virulent anti-bussing emotions in their state, "out-segged" each other in proposing amendments that would virtually end all school desegregation. The House finally sent the Senate a bill even more restrictive than the one Nixon had proposed. It forbade federal judges to order desegregation plans that required bussing any children beyond their neighborhood school or the next closest school—a limitation that would effectively prevent any thorough desegregation in the North, if courts required it. To gain Southern support, the bill included a clause permitting courts to roll existing desegregation plans back to conform with the new Congressional restrictions.

Critics, including some 500 law professors who subscribed to a joint statement condemning the bill, argued that it was probably unconstitutional, since it took away from the U.S. Supreme Court its power to remedy denials of Fourteenth Amendment rights, in this case the right to equal educational opportunity.

On the Senate side, the anti-bussers used a rare parlia-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mentary tactic to prevent the bill from being referred to the liberal Labor and Public Welfare Committee, where it would have met certain death. But Sen. Mike Mansfield, the Majority Leader, outfoxed the bill's backers by promising to bring the measure up before the Senate, and then not delivering on his promise until the next to last week of the session. Liberals were then able to adopt that old Southern anti-civil rights tactic, the filibuster, and anti-bussers were forced to use the old liberal tactic of trying to shut off debate through a cloture vote. To the disgrace of the Senate, as many as forty-nine Senators voted to invoke cloture and clear the way for a simple majority vote on the bill, but up to thirty-nine Senators held out against cloture, successfully blocking the needed two-thirds majority on three successive days.

Special courage was shown by eight Senators—all of them up for re-election, although considered odds-on favorites—who stood fast and voted against cloture, thus killing the bill. They were Sen. Walter F. Mondale of Minnesota, a Democrat, and Republican Sens. J. Caleb Boggs of Delaware, Edward Brooke of Massachusetts, Clifford Case of New Jersey, Mark Hatfield of Oregon, James Pearson of Kansas, Ted Stevens of Alaska and Charles Percy of Illinois. On the best attended cloture vote, twenty-five Republicans and twenty-three Democrats, plus Sen. James Buckley, the New York Conservative, voted in favor, while twenty-six Democrats and thirteen Republicans, including Sen. Hugh Scott of Pennsylvania, the Minority Leader who bucked the White House, voted against. Southerners like Sen. John McClellan tossed aside thirty years of opposition to cloture on civil rights bills and for the first time voted to limit debate.

The anti-bussing bill died this year, but everybody expects it back next session, perhaps in an even more pernicious form, unless the Nixon Supreme Court, in one of its expected school desegregation decisions this term, performs the *coup de grace* on an integrated educational system.

JOHN MATHEWS

The Whistle Blowers

Ralph Nader and two colleagues, Peter J. Petkas and Kate Blackwell, have written a book on this topic (*Whistle Blowing*, Grossman Publishers, 398 pp. $6.95). A good case is made for whistle blowing not merely as a means of keeping alive the conscience of bureaucrats in large-scale public and private organizations, but of getting to the public some small part of the information it needs in order to understand what these organizations are doing that may adversely affect the general welfare. The book contains fascinating case histories of thirty-three whistle blowers who, in one way or another and at some risk to themselves, have served the public well by "going public" with their stories.

A new recruit to the whistle blowers is Patrick J. McGarvey, who spent fourteen years with the CIA, the Defense Intelligence Agency, and Air Force Intelligence before telling all—or at any rate more than was comfortable for his former employers—in *CIA: The Myth and Madness* (Saturday Review Press). The CIA read the book in advance and made a few minor deletions, but did not try to stop publication. The agency took quite a different tack with Victor Marchetti [see *The Nation*, April 3 and May 15]. In his case the CIA obtained a court order preventing Marchetti from writing any book about the CIA that had not been cleared by it. The Court of Appeals has now ruled that the First Amendment does not bar prior censorship of the writings of former public servants, whether established by contract or statute, to prevent the disclosure of classified information. The case is now on its way to the Supreme Court and, obviously, a precedent is in the making which could have an important bearing on whistle blowing in the future.

Marchetti feels that the CIA elected to proceed against publication of his book for special reasons. His case did present an awkward problem for the CIA. He comes from a working-class ethnic background. He is in no way a radical. He started at the bottom and rose to be executive assistant to the number-two man in the agency, Adm. Rufus Taylor. He was one of the elite who had morning coffee with Richard Helms, the director. He is, in his own words, "a typical Middle American," who became disillusioned with the CIA because of its "goofed-up" management and policies. He was particularly annoyed by the "old boy network" that pervades the agency and the "born-with-a-silver-spoon-in-the-mouth WASPs" who run it. "I was the lone ethnic in the CIA hierarchy, their token Wop," he said recently on a Channel 13 interview. Obviously Marchetti was a whistle blower who should be silenced if possible—or it may be that the agency decided that one test case pending in the courts was enough, and so did not proceed against McGarvey.

The Authors' League has just filed an excellent brief in the Marchetti case which disposes of the Court of Appeals argument. The First Amendment, the brief points out, bars the Congress and executive agencies from imposing, by contract and injunction, restraints on free speech that they could not constitutionally establish by statute or regulation. Second, the petitioner—Marchetti—did not waive his First Amendment rights to speak or write about the CIA by signing a secrecy pledge. Finally, and most important, the First Amendment rights at stake are not solely the petitioner's; and he did not have the power to waive them. The guarantees of the First Amendment "are not for the benefit of the press so much as for the benefit of all of us." Few more important cases are currently en route to the Supreme Court. If the Court of Appeals decision is reversed it will be a boon for the whistle blowers such as McGarvey and Marchetti, and other frustrated bureaucrats who may have a mind to blow their whistles as a means of telling the public some of the things it needs to know about big organizations, public and private.

Heinz Pol

Heinz Pol, long-time friend of *The Nation* and occasional contributor, died recently at his home in New Milford, Conn., at the age of 71. Given his background, one supposes that he was lucky to have lived so long. In the Germany of the 1930s, there was only one thing worse than being a Jew, and that was to be an outspoken anti-Nazi journalist. Heinz was both. One way or another,

ETS LIBRARY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he escaped from a concentration camp and made his way to the United States. During the war years, he earned a living by free-lancing. After the war, he became the U.N. correspondent for several liberal German and Swiss newspapers, posts he held until he retired only a few months before his death.

Pol was a poet, *bon vivant* and brilliant conversationalist as well as a journalist. There was no subject on earth on which he did not have an opinion which he was willing to express forcibly, if not always persuasively. But much as he loved to talk, he was equally ready to listen; and he had the rare gift of being able to bring out the best in his adversary. He will be sorely missed by all who knew him—and the thinning ranks of Hitler's anti-Nazi survivors have lost another old fighter in the cause of peace and decency on earth.

A PEACEFUL PLACE?

The Philippines Hold Their Breath

RICHARD CRITCHFIELD

Mr. Critchfield, a special correspondent for the Washington Star-News *and other papers, is now, with the assistance of a Ford Foundation grant, traveling in Asia and Africa to report on the lives of ordinary people, especially the peasantry. He is the author of* The Long Charade: Political Subversion in the Vietnam War *(Harcourt Brace Jovanovich) and the forthcoming* Four of Us, *an investigation into the lives of an Arab Bedouin, an African fisherman, an Indian farmer and a Javanese peasant.*

Manila

The most unsettling thing, somehow, is that the Philippines have never been more calm. Since President Ferdinand Marcos declared martial law and assumed extraordinary state powers on September 22, one keeps waiting for the other shoe to drop.

In Manila, after two months of the worst rainfall in the recorded history of the Philippines, the equatorial sun blazes day after day in what even for here is a heat wave. Graceful palms sway along Manila Bay, heavy traffic grinds down gaudy, neon-lit Roxas Boulevard, tourists jam the Hilton and Intercontinental. The crowds riding the gaily painted jeepneys that throng the markets and joking over iced drinks in the cafés look more relaxed than ever, and when four men held up a supermarket cashier for $10,000 the other day the whole city was shocked. In what used to be the crime capital of the world, there had been absolutely none during the first ten days of martial law.

All this comes after more than two years of a seemingly irreversible slide into anarchy. Since the floating of the peso on February 22, 1970, the country has been gripped by one crisis after another. A series of typhoons and floods which did great damage to crops in 1970 and 1971 was followed this summer by disastrous forty-seven-day rains which destroyed the crops in the country's main rice bowl and probably set back the economy five years. [See Critchfield: "Rising Waters in Luzon," *The Nation*, September 18.] During the past year resentment at the steep increase in the cost of living led to much labor unrest and many protest demonstrations. Bitter rounds of transportation strikes and fuel price disputes disrupted normal life in greater Manila. In a political atmosphere charged with the word "revolution," student demonstrations and violent clashes with the police became commonplace.

In the provinces, politics were marked by bloody battles between cultural minorities such as the Moslems, Christians and hill tribesmen of Mindanao Island; on Luzon there was a marked rise in terrorism on the part of the private armies of political overlords.

From mid-July through August and into September, Manila was awash almost round the clock and most of its streets were knee-deep in water. Then, the rains had no sooner stopped than a rash of bombings, kidnappings and other forms of runaway lawlessness broke out, as larger numbers of poor young men turned to crime, the floods having escalated an already chronic unemployment. On the eve of martial law, few in Manila would have denied that the social fabric was under great strain and many felt the country was going to pieces. Then on September 22, overnight, the whole of the Philippines became peaceful. Small wonder that Manila today is holding its breath.

When things get bad enough, it seems, almost everyone values immediate physical freedom from violence, abuse and sudden social collapse above the more abstract freedoms of press and assembly. Filipinos have always taken great pride in their license to criticize those in power and many feel that Marcos may have miscalculated when he abruptly closed seven Manila newspapers, several radio and TV stations, and arrested the most articulate journalists and members of the opposition. But initial outrage has been tempered by the feeling that a less libertarian system was needed if the country were to survive.

Thoughtful Filipinos have for some time argued that the attempt since 1947 to adapt for the Philippines the two key democratic institutions of the United States —a free press and a political party system—had somehow gone sour. Asked why by foreigners, Maximo Soliven, a columnist for the *Manila Times*, who is now under detention, used to reply, "What do you expect? We spent 350 years in the Spanish convent and seventy years in Hollywood."

What went wrong? For one thing, national politicians, to safeguard their positions, often saw to it that a wife, brother-in-law or nephew was governor of their home province and that uncles and cousins served as mayors.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

These politicized "dynasties" had come to be protected by their own private armies, gangsterish hardboys with automatic weapons, so that those who started out as elected representatives of the people all too frequently ended up as tyrannizing warlords.

Similarly, the Manila press, with its highly Westernized urban values, had lost touch with the real needs of the Philippine peasantry and city slum dwellers; living in the narrow world of the small middle class and rich elite, journalism deteriorated into a noisy and endless carping at the government in power, attacking the methods of the politicians but not their purpose or lack of it. The press, far from behaving responsibly, became more implacably suspicious and hostile toward the government at a time when it was clear that to cope with the country's desperate problems the government needed far more, not less, power. For its part, the Philippine Congress was capable of the absurdity of dispensing 18 billion pesos in appropriations, while passing revenue bills capable of producing only 5 billion pesos. The floods, when they came, made any continuation of things as they were impossible.

By declaring martial law and assuming extraordinary state powers, President Marcos has temporarily stifled opposition, muted criticism and committed the army to an all-out war with the radical Maoist Left. But he has also pledged to use this power to carry out speedy reforms that would completely restructure Philippine society and chiefly benefit the masses of peasants, workers and urban slum dwellers.

Marcos, like any national leader in a moment of national crisis, is a man of mixed motives. His critics have charged that he himself created the crisis to perpetuate his powers. But Marcos did not conspire to produce the worst floods in Philippine history and they in turn are what made a stronger executive suddenly imperative.

Certainly there have been grounds for suspicion that a series of bombs set off in department stores, city halls and schools were not all the work of Communist guerrillas or extortionist gangsters, although some of them unquestionably were. And the "attempted assassination" of Defense Secretary Juan Ponce Enrile, the episode that directly led to martial law, had an air of stage management about it. It is true, also, that Marcos is widely accused of maneuvering to find a way to stay in power when his second term as President expires next year; a constitutional convention is currently considering a shift to a parliamentary system of government—a move which could enable Marcos to become prime minister with no time limit on his rule.

But none of this is really relevant. The feeling of average Filipinos is that martial law was probably Marcos' only choice; they pray that it will work. If Marcos can really eliminate the landlordism that has hamstrung agricultural modernization in the Philippines, turn land back to the tillers everywhere in the islands, enforce his ban against carrying weapons, and restore law and order, bring price stability and reduce corruption and warlordism, he will no doubt win mass support for a much more disciplined and workable system of government than the Philippines have known in many years. It is a tall order, but it is why most people have gone along with the temporary detention of the journalists and opposition leaders (who are apparently being well treated, see their wives every day or so, play chess, watch television, and enjoy air conditioning).

The problem that will soon face Marcos, however, is one of credibility or, even simpler, information. With none but government-controlled newspapers and radio-TV carrying news, the wildest rumors and gossip run unchecked through the city. Since September 22, Marcos has decreed a succession of badly needed reforms, outlawing weapons, updating education, raising funds for flood relief, preparing the ground for a new flood-control and irrigation system in central Luzon, lowering electricity rates, making the country more attractive to foreign investment and oil exploration, cleaning out the 400,000-man corruption-infested civil administration and, above all, decreeing countrywide land reform.

But unless he opens up and lets some independent newspapers publish, the population is likely to remain suspicious of reform, however much they welcome it. Also, he may lack the instrumentality to carry out reform. He is depending heavily on the 60,000 men in the Philippine armed forces. The army has always been a model of rectitude, but the 30,000-man Philippine constabulary has in the past been involved in smuggling and graft, and whether it will continue to abuse its powers under martial law is one of the big questions in the coming weeks.

Martial law is likely to continue for many months, perhaps even a year or two. So far reaction in its first few weeks has been guarded approval among slum-dwelling laboring masses; violent opposition from the radical Left, much of which has fled to guerrilla forces in the northern Luzon mountains; strong endorsement from the moderately leftist technocrats who want to run the economy more sensibly; cautious approval from big business; wait-and-see apprehension from the harried middle class, and downright alarm among some landlords and some of the very rich, including reportedly the powerful Lopez family, one of whose sons is the Vice President.

All elements of society, however, seem to share the fear of a civil war, or at least a bloody shootout, if reform does not come fast enough, or hunger and desperation lead to a peasant insurrection in central Luzon, or a stronger secessionist movement gets going on the southern island of Mindanao, or the Communists, radical Left and moderate Left unite, or if all these things should happen at once. Almost no one sees these dangers as immediate but the situation could start unraveling fast if it unravels at all.

For the moment, in the vast steamy slums of Manila one hears a great many expressions of relief. Typical is a 43-year-old docker who said, "All the hoodlums here think under martial law if you get caught the army will just kill you. [Marcos has decreed that illegal gun toters caught engaged in major crimes will face a firing squad.] Until now, any drunken tough with a .45 in his hip pocket could terrorize the neighborhood. If he got caught he would just call his *padrino* from jail and some influential politician would get him out."

The city's poor people, who mostly exist on the legal minimum wage of $1.15 a day, are impressed by a recent drop in vegetable and sugar prices. Since mid-1971, and

ETC LIBRARY
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

especially since the August floods, the cost of most basic commodities had risen from 25 to 50 per cent. Shopkeepers have been less sanguine, many complaining, as did one man: "Nobody wants to make deals or investments. Business is bad. My workers have been with me for six years but if it goes on like this, I may have to send them off."

A midnight-to-4 A.M. curfew has subdued Manila's famed *dolce vita*; most casinos, night clubs and discothèques have, however, reopened after a few days' blackout; some advertise early 5:30 to 11 hours, or the real swingers can just stay on until curfew's over.

The American Embassy has maintained a petrified silence. But with 35,000 U.S. servicemen in the country, New York bankers managing a tenth of the Philippines' $2.1 billion national debt, $74 million possibly coming as emergency relief, another $75 million in AID funds committed as development assistance and between $1 billion and $2 billion in U.S. investments here; just by continuing to do business as usual the United States, it seems to most Filipinos, condones Marcos' actions. If Marcos has, as one of his top aides, Alejandro Melchor, described it at a Washington press conference, "put his neck on the line," willy-nilly Uncle Sam's may be there also.

But the Philippines are not Manila, nor even the larger towns. It is really a country of 30,000 rural barrios or villages, where 70 per cent of the 40 million Filipinos live. How does martial law look to them?

I was in one—Tulungatung Barrio not far from the ancient Spanish city of Zamboanga on the southwestern tip of Mindanao, some 500 miles from Manila—when the news of martial law came. We all gathered around a transistor radio in one of the nipa huts and listened as Marcos' voice rose and faded over the crackling of static across the water and the islands to the north. Marcos declared that the nation's enemies were waging a Communist war of subversion for the "minds and hearts" of the Philippine people and that it would be necessary to combat them by building what he called a New Society (an old concept of his; he wrote about it in his autobiography years ago).

What really pleased the villagers was the President's promise to end landlordism and to see that every peasant in the Philippines was given the land he tilled. He pledged to stop lawlessness and banned the carrying of guns and knives. It was just sunset and, outside, the light flattened behind the coconut palms and glittered red across the Sulu Sea, where Moro pirates still plunder fishing boats from the village at night, stealing kerosene lamps and equipment and dumping the victims into the water to be eaten by sharks. The long shadows of the trees pointed toward the southern mountains of Mindanao, where roving bands of armed Christians and Moslems, called "Rats" and "Barracudas," terrorize the peasantry, hacking entire families to pieces, in a war over the richest land in the whole of the Philippine archipelago. Along a dusty road a lone village policeman took up his nightly vigil against cattle rustlers.

Katherine Mayo, a colonialist doctor, wrote in the 1920s *Isles of Fear*, a book about the Filipino barrios. Dr. Mayo had an instinct for ferreting out the nastiness of a society; her *Mother India* on child brides, widow burnings and temple prostitution is still bitterly banned in India, but it deeply shocked Gandhi and led to many of the Congress Party's social reforms. A Filipino barrio is a happy place, but it harbors a strange element of fear, a shade more than one finds in other African, Asian or Latin American villages. *Isles of Fear* is not so far off the mark.

After Marcos spoke that night an old man repeated several times, "This has always been a peaceful place. This has always been a peaceful place," almost as if the words themselves would protect the village from the turbulence outside. He was also the one who translated Marcos' words into the needs and aspirations of that

President Ferdinand Marcos

particular barrio. "The insects," he said. "Perhaps now we can get help with the insects." With the introduction of the new dwarf rice, the peasants have begun double cropping, and therefore can no longer burn off their fields once a year, as they have done for 2,000 years. Unchecked, the local insect population has exploded in the steamy, fecund climate, and now a plague of worms and leaf hoppers such as no one has ever seen before is threatening to devour the entire rice crop.

"The rice crop is doubled," the old man went on. "But we all grow deeper and deeper in debt buying chemicals to fight the insects. Now we can hope the government

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

will help us fight the insects." (He spoke in English; part of the fascination of this country is that even the poorest sharecroppers are bilingual and articulate.)

Since carrying firearms was punishable by death, some hoped there might be an end to the cattle rustling that had cost the barrio five water buffalo, or *carabao*, in the previous six months. (The loss of a *carabao* means ruin to most Philippine peasants; stealing one is tantamount to killing a man.)

Tulungatung is almost a prototype. The surrounding countryside, even with its after-dark air of menace, is comparatively peaceful. Like most barrios, it is a community of not more than three or four dozen nipa huts surrounded by rice paddy and coconut, banana and mango trees. All the 5-to-10-acre landholdings are owned by absentee landlords but tilled by village tenants and daily laborers. On the once forested hillsides there are stumps of trees and ashes of fires where new land is being illegally cleared for crops by a population growing much too fast. There is a tin-roofed chapel for a Spanish priest to visit once a month, an excellent elementary school which offers everything from the new math to remedial education for backward children (the students also know the scores of most Broadway musicals), and two shops where the men gather to consume great amounts of palm wine (up to a gallon each; it leaves you groggy, but pleasurably so) in the evenings.

Life could be idyllic here, but hopes of progress have faded since modern farming practices and the new American-developed seeds were introduced six years ago. Beset by the plagues of insects, the unwillingness of absentee landlords to invest, and the rising cost of such vital supplies as insecticides and fertilizer, agriculture has actually retrogressed in Tulungatung during the past two years. Some of the peasants talk of giving up modern methods of cultivation entirely.

What can Marcos do? I think the most vital step is land reform. Marcos himself has termed it "basic" to all the other sweeping social reforms he plans. It seems clear after visits to a dozen barrios in Mindanao and Luzon that without land reform the country's agriculture, and hence the overall economy, cannot progress. Only when a man actually owns the land he cultivates does he have the capital he needs to obtain credit and invest in the fertilizer, water and chemicals the new American-developed technology requires.

How to go about it? Obstacles ahead include a lack of cash, a congress and administration dominated by landholding interests, a U.S. Congress unlikely to help finance a land-reform program in the face of what appears a setback for democracy and honest differences among experts over how to proceed.

U.S. Mission economists estimate a minimum of $150 million in U.S. help will be essential. While the Nixon Administration has been resolutely maintaining a hands-off policy since martial law was proclaimed, people in the AID headquarters here have been carefully studying the land issue, since it is felt Marcos may have to move fast. He may have only weeks, not the year he has publicly given himself, "to carry out this work."

The issue centers largely on the country's top ten rice-producing provinces, eight of which are on the main island of Luzon and constitute the chief staging areas of Communist-led, anti-government peasant movements. Six are in rice-rich, now devastated, central Luzon, the Mekong Delta of the Philippines, where population pressures, widespread absentee landlordism, ecological backlash from newly introduced technology, two previous successive crop failures, and now the floods of last summer have driven tens of thousands of peasants close to the point of insurrection.

The $150 million, which would generate almost a billion Philippine pesos either through Public Law 480 sales or AID grants, would only be enough to finance the rural credit required. The cost of compensating dispossessed landlords would have to be met by the Marcos government by selling three large military bases and other valuable government-owned real estate in the heart of greater Manila.

Marcos is empowered by the 1964 Agrarian Code to do so and in January 1970 declared that he would. The land-reform law stipulates that Camp Aquinaldo, Fort Bonifacio and Nichols Airbase, all in centrally located Quezon City, and the famed old Manila Hotel on Manila Bay can be sold or exchanged as compensation to landowners. (Two other properties included under the law, prime tourist resorts in the mountains, have since been sold by the government to finance other programs.)

Of these properties, Fort Bonifacio is the key one. Originally covering 6,900 acres, it was purchased by the United States from an old Spanish family in 1906 for $550,000 in gold. Today about 5,000 acres are left and they are worth a fortune. It is estimated that the sale of this single holding would be enough to turn all the land of central Luzon over to the peasants who till it; or alternatively, to provide every single Philippine peasant with ownership of the ground his house is on, plus a written security of leasehold tenancy as a step toward eventual ownership. According to the specialists, all Marcos has to do is sign a piece of paper turning Fort Bonifacio over to the Land Bank of the Philippines.

Whether he could do this now, when he is dependent on military support, is a question. In recent years, the Philippine congress has strangled land reform by making no money available to the national land acquisition bank. This year Secretary of Land Reform Conrado Estrella asked for 150 million pesos to run his administration and got 50 million. No money at all was appropriated to fund farmer credit or land acquisition.

Marcos, who is of peasant origin himself, has done more than any previous President during his six years in power by converting 70,000 sharecroppers into leaseholders. But in times of disaster or if the government cannot deliver vital inputs soon enough, a leaseholder is worse off than a sharecropper, since he must always pay rent. One-half of the Philippines' 2 million farms are already owner-operated but these are mostly on the other islands. The majority of some 875,000 sharecroppers or leaseholding tenants are in central Luzon, where in many barrios tenancy runs as high as 80 to 100 per cent.

Experts say 6 acres make a viable family farm in the Philippines if there is a controlled water supply for at least one crop. With year-round irrigation a farmer can

ETSU LIBRARY
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

double-crop and earn as much as a Filipino schoolteacher.

The usual model for land reform in Southeast Asia is Taiwan's, carried out from 1949 to 1953. It began with a reduction of rents to 37.5 per cent of the main crop; then written leases were given to tenants, and finally came a Land to the Tiller Act, limiting holdings to 7.5 acres of irrigated land and 15 acres of dry land. The rest had to be sold to the government for redistribution at an appraised price based on two and a half times the total annual crop. To insure that redistribution was fairly administered, a joint committee with two American experts and three Chinese ran the program. Owners were given 30 per cent of their payment in government corporation stocks and 70 per cent in land bonds; farmers were allowed to pay for their land over a ten-year period.

Something along these lines is expected to be what Marcos will soon announce. Since declaring martial law in September, he has decreed a tariff act to raise 350 million pesos in emergency flood relief and has rammed through a long-stalled flood-control and irrigation project for central Luzon, both measures the squabbling Philippine congress never got around to passing. A U.S.-funded rural electrification program has been two years in the works and could go into operation fairly rapidly.

But land reform is the only thing Marcos can really do quickly. There is a fascinating story going around Manila that not Marcos but the young generals and colonels in the army are really behind martial law; that they were fed up with the way things were going and laid down a reform program which Marcos was to follow or else. It is probably just another Philippine tale, but if the military really means business in helping Marcos build a "New Society," Fort Bonifacio's fate is the key indicator to watch. □

NEGATIVE EVIDENCE

KNOWING NIXON BY HIS VETOES

A. Q. MOWBRAY

Mr. Mowbray is the author of Road to Ruin, The Thumb on the Scale *(both J. B. Lippincott) and, most recently,* The Operation *(John Day).*

One reason for the resounding lack of interest in the 1972 Presidential campaign, aside from the absence of charisma in one candidate and the absence from the scene of the other, may be that most people have finally concluded that it really makes little difference who occupies the White House. Somehow, through Republican and Democratic administrations alike, the repulsive war goes on, the twin rats of inflation and unemployment gnaw at our economic vitals, and the long, now drearily familiar, list of complaints—poverty, racism, decaying ghettos, neglected schools, narcotics, crime and so on and on and on—diminishes not.

What, after all, can one man do? Even if he is President of the United States? Perhaps not much in a positive way, except try to set a salutary moral tone for the nation and to exert what influence he can on the Congress to enact his programs. But the President's negative influence can be enormous. He can use his veto to kill measures that he dislikes, and the Congress must summon a two-thirds majority to override him. Not only is the veto the President's most powerful weapon, it is also a negative weapon: it obstructs, it denies, it slaughters. Thus one would expect a prudent President to use it with discretion and only when his fundamental principles are threatened.

With that in mind, it should be instructive to review the major Nixon vetoes. On what proposals did he loose the guillotine of his displeasure? Which heads were chopped, and what was the color of the blood?

On January 26, 1970, Mr. Nixon vetoed a $19.7-billion appropriation for the Office of Economic Opportunity and for the Departments of Labor, and Health, Education and Welfare. The appropriations approved by Congress included large increases for various health programs, financial aid to students, funds for school libraries, and money for school districts serving large federal installations. The total was $1.1 billion more than Mr. Nixon had requested.

This being his first Presidential veto, Mr. Nixon appropriated ten minutes of national TV time to explain himself. "The issue," he said, "is not whether some of us are for education and health, and others are against it. There are no goals which I consider more important for this nation than to improve education and to provide better health care for the American people. The question is, how much can the federal government afford to spend on these programs this year?" If he were to sign this bill, said Mr. Nixon, "I would win the approval of many fine people who are demanding more spending by the federal government for education and health. But I would be surrendering in the battle to stop the rise in the cost of living, a battle we must fight and win for the benefit of every family in this nation." He had told the American people that nothing was more important to him than improved education and health care, but on the other hand curbing inflation was more important. His final argument was that this denial of funds would in fact benefit education and health care: "I believe this action is in the long-range interest of better education and improved health care."

On June 22, 1970, Mr. Nixon vetoed a bill to authorize $2.79 billion over a three-year period for construction and modernization of hospitals and other health and medical facilities. This time, the Congress had exceeded Mr. Nixon's request by some $350 million. But Mr. Nixon was also incensed by a section of the bill that would require him to spend all the money appropriated for the three years. "In addition to restricting flexibility in man-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

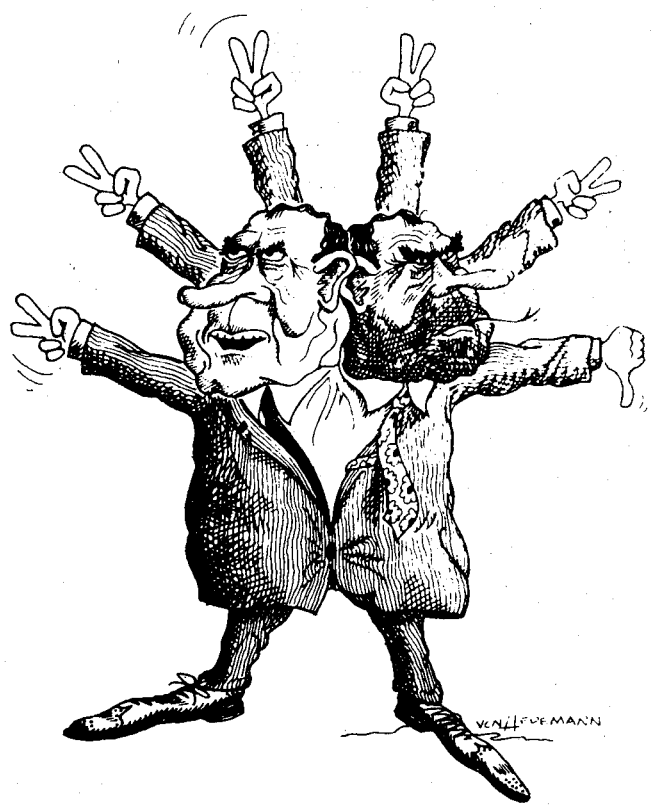
agement of federal expenditures," complained Mr. Nixon, "this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee." The bill, said Mr. Nixon, was "a long step down the road of fiscal irresponsibility." A study by the sponsors of the program had estimated that nearly half the nation's 6,600 non-federal general hospitals needed to be replaced or modernized.

On August 11, 1970, Mr. Nixon vetoed two large appropriations bills: $4.4 billion for the Office of Education, and $18.1 billion for a conglomerate of programs including housing, urban renewal, water and sewer grants, veterans' benefits, space exploration and others. The total money exceeded Mr. Nixon's requests by about $1 billion. Mr. Nixon delivered his veto message in his martyr suit. "I realize that an election year is a tempting time for people in politics to say 'yes' to every spending bill," he said. But Mr. Nixon was not to be tempted; he would sacrifice himself to the greater public weal. "If I were to sign these bills that spend nearly a billion dollars more than we can now afford, I would be saying 'yes' to higher prices, 'yes' to higher interest rates, 'yes' to higher taxes." This veto was a "painful but necessary" duty for the President. "I am mindful of the urgent needs of our cities," he said, but "I am determined to hold the line against a dangerous budget deficit." Someone pointed out that, of the $670 that the Congress was appropriating for every man, woman, and child in the United States, $375 would go to defense, and $22 to the schools. Mr. Nixon the economizer wished to slash $2 from the $22.

On October 12, 1970, Mr. Nixon vetoed a bill that proposed to limit the amount of money that could be spent by political candidates for radio and television time. The bill also would have repealed the equal-time law for Presidential elections, making it possible for Mr. Nixon openly to debate the Democratic candidate on radio and television in 1972. On the day Mr. Nixon delivered the *coup de grace* to this measure, the Republican National Committee enjoyed a cash surplus of $1.5 million, and the Democrats were $9 million in the hole. If nobody rocked the boat by passing such legislation as this, it appeared entirely probable that Mr. Nixon could be reelected through the pure tonnage of Republican wealth.

But he could hardly be expected to advance this calculation for his obstructionism, so he argued instead that the bill was imperfect. It would not control all campaign spending, only spending for radio and television. It only "plugs one hole in a sieve." Candidates with plenty of money, said Mr. Nixon, would simply spend it elsewhere —in magazines, newspapers, billboards, pamphlets and direct mail. And since these were less efficient means of communication than the broadcast media, the candidates might even be forced to spend *more* money. Further, said Mr. Nixon, "The incumbent—because he has a natural avenue to public attention through the news media in the conduct of his office—would have an immeasurable advantage over the 'out' who was trying to get in." Such devices as highly publicized Presidential trips to Moscow and Peking, he was suggesting, might be used by a scheming President for his own political aggrandizement. And one supposes he was right. Today, in the twilight of the 1972 Presidential campaign, nothing in Mr. Nixon's veto message strikes quite so poignant a note as one sentence near the end: making his position perfectly clear on the broader issue at stake, Mr. Nixon assured the nation, "I am as opposed to big spending in campaigns as I am to big spending in government."

On December 16, 1970, Mr. Nixon vetoed a bill that proposed to authorize $9.5 billion over a period of four years for various programs to reduce unemployment: the Neighborhood Youth Corps, the Job Corps, other training projects for the unemployed and underemployed, and a program of partial federal subsidy of public service employment by state and local governments. It was this last aspect of the measure upon which Mr. Nixon chose to concentrate his venom. The legislation, he said, proposed to finance "dead-end jobs in the public sector. WPA-type jobs are not the answer for the men and women who have them, for government, which is less efficient as a result, or for the taxpayer who must foot the bill. Such a program represents a reversion to the remedies that were tried thirty-five years ago. Surely it is an inappropriate and ineffective response to the problems of the



seventies." Despite his oft repeated oath to get people off the welfare rolls and onto the payrolls, Mr. Nixon apparently felt that the payrolls of public service employment failed to match his intention. So the unemployed would continue on the welfare rolls.

On December 26, 1970, Mr. Nixon announced his veto of a bill to set up a three-year, $225-million program to train family doctors. Most critics of the nation's health-care system had been pointing out that excessive medical specialization had created a shortage of general prac-

ETSU LIBRARY
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

titioners. In his veto message, however, Mr. Nixon said, "The authority provided in this bill is unnecessary and represents the wrong approach to the solution of the nation's health problems." The bill, he went on, "simply continues the traditional approach of adding more programs to the almost unmanageable current structure of federal government health efforts." He promised that the following year (1971), he would propose a "broad pattern of reforms to deal with the nation's health problems and needs on a systematic and comprehensive basis."

On June 29, 1971, Mr. Nixon vetoed a $5.6-billion accelerated public works program which proposed to deal with chronic unemployment by speeding up public works construction. Unemployment was holding stubbornly at about 6 per cent, with 1.3 million persons out of work, but Mr. Nixon insisted that this program was unnecessary. He pointed out that it would take about eighteen months for such construction projects to crank up, and by then (the end of 1972), the unemployment problem would have been solved. He also advanced the curious objection that hiring the unemployed for public works projects might simply trap them permanently in dead-end jobs. "I have made it clear," he said, "that the Administration considers that our unmet needs in the public sector provide an opportunity to combat joblessness by bringing unemployed men and women into the labor force in selected areas and appropriate circumstances. We have stressed one key point: that these created jobs must be transitional—that is, they must be a bridge to permanent, productive jobs, not a substitute for them."

On December 9, 1971, Mr. Nixon vetoed a bill that would provide funding for the Office of Economic Opportunity, the federal Antipoverty Agency, an independent federal legal services organization, and a broad new program of comprehensive child development, including nutritional aids for pregnant mothers, after-school programs for teen-agers, and day-care centers for young children of working mothers. In a message to Congress a few months after taking office, Mr. Nixon had said: "So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life." Now, nearly three years later, Mr. Nixon vetoed the child development bill with the comment, "Neither the immediate need nor the desirability of a national child development program of this character has been demonstrated." Further, he said, the intent of the bill was "overshadowed by its fiscal irresponsibility, administrative unworkability, and family-weakening implications of the system it envisions. We owe our children something more than good intentions." By vetoing the bill, Mr. Nixon left the children with good intentions.

In this instance Mr. Nixon also appeared to contradict himself. On the one hand, he said that a program of day care had already been proposed in his own recommendations to Congress: ("Day-care centers to provide for the children of the poor so that their parents can leave the welfare rolls to go on the payrolls of the nation, are already provided for in H.R. 1, my workfare legislation"). On the other hand, he said that federal sponsorship of such centers would be wicked: ("Good public policy requires that we enhance rather than diminish both parental authority and parental involvement with children—particularly in those decisive early years when social attitudes and a conscience are formed and religious and moral principles are first inculcated. . . . For the federal government to plunge headlong financially into supporting child development would commit the vast moral authority of the national government to the side of communal approaches to child rearing over against the family-centered approach. This President, this government, is unwilling to take that step").

On October 17, 1972, Mr. Nixon vetoed a program to clean up water pollution; it provides $24.6 billion for the next three years, most of it to build and improve waste treatment plants for the hard-pressed cities. Although the bill authorized four times the amount of money Mr. Nixon had requested, it was passionately supported by his administrator of the Environmental Protection Agency, William D. Ruckelshaus. In a 33-page letter written six days before Mr. Nixon's veto, Mr. Ruckelshaus said that a veto would strike at the heart of his water pollution control program, decimate his staff, and break the President's own public commitment. He reminded his boss that in his 1970 State of the Union message he had pledged to "put modern municipal waste treatment plants in every place in America where they are needed and to make our waters clean again, *and to do it now*." (*Emphasis added.*) The legislation Mr. Nixon vetoed proposed to do it by 1985. "It seems reasonable to me," wrote Mr. Ruckelshaus, "to spend less than one per cent of the Federal budget and two-tenths of one per cent of the gross national product over the next several years to assure future generations the very survival of the gross national product. . . . I strongly recommend the President sign the bill."

Congress was down to the last few days of its session, and Mr. Nixon was hoping that he could kill the bill the quiet way, by pocket veto. But the legislators crossed him up, staying in session just long enough to force him to veto the bill. Thereupon Congress voted to override his veto, then went home.

In his veto message, Mr. Nixon said the "needless overspending" proposed in the bill would "lead to higher prices and higher taxes." He blasted supporters of the bill as "charge-account Congressmen" who were engaged in "budget-wrecking." Having thus pinned the blame on Congress for the higher taxes he will impose next year, if he is re-elected, Mr. Nixon then cast himself in the role he so dearly loves, and for which he is so uniquely unsuited, that of courageous statesman doing what is best for the nation in the face of what is politically unwise. "I have nailed my colors to the mast on this issue," he said bravely; "the political winds can blow where they may."

Now, it is doubtful that even the most red-hot do-gooder would claim that all these pieces of legislation were perfect, were the best that man could devise, were even the preferred medicine for the diseases they addressed themselves to. Perhaps some of them even deserved to be vetoed. But the point is that a pattern emerges from the roll call of the condemned. Except for

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the campaign financing measure, in every veto message Mr. Nixon wrapped himself in the robes of fiscal responsibility—he was the prudent defender of the public purse staving off attacks by wild-eyed spendthrifts bent on ingratiating themselves with the grasping voters.

But what of the measures on which Mr. Nixon elected to exercise his craving for economy? Did they deal with more bombs and B-52s for the mass slaughter of Asians? Missile sites to protect our cities from the threatening yellow horde? High-level welfare for mismanaged aerospace companies or bankrupt railroads? A supersonic transport plane of doubtful value and possible danger to the environment? Not at all. Mr. Nixon preferred to trim the fat in such areas as aid for students, libraries and schools; building of hospitals; housing, urban renewal and sewer grants; manpower training and other help for the unemployed; training of family doctors; and day-care centers for young children of working mothers. That is the tone and temper of the first and, it is to be fervently hoped, the last Nixon Administration. □

MEDICARE: THE EASY SWINDLE

ROSE DEWOLF
Miss DeWolf is a news columnist for the Philadelphia Bulletin *and the author of a book on divorce,* The Bonds of Acrimony *(Lippincott).*

Philadelphia

Dr. Stanford Bazilian's method of defrauding Medicare had at least originality to commend it. Dr. Bazilian is a Philadelphia psychiatrist, former chief of psychiatry at Philadelphia General Hospital, and one of forty physicians so far convicted of Medicare fraud. His method was to provide what he called "music therapy" to patients at local nursing homes.

According to testimony at his recent trial, Bazilian would visit a nursing home, accompanied by a violinist or other musician and a female assistant.

The soloist would set to work and the music would lure the patients from their rooms. Dr. Bazilian then encouraged those who gathered to clap their hands. Meanwhile, the assistant collected the Medicare number of each clapper. By sending in individual bills for "psychiatric treatment" for each of them, Dr. Bazilian collected $47,340 from Pennsylvania Blue Shield, the Medicare Part B paying agent for Pennsylvania, in just the first six months of 1971.

When Bazilian learned that his "music therapy" dealings were under investigation by an agent from Medicare, he attempted to induce the agent, James R. Hartman, to look the other way. Hartman says Bazilian offered to make him a $15,000-a-year director of a "music therapy" corporation which would minister to even more nursing homes and bring in even more Medicare money. Hartman's reply was to turn Bazilian over to the FBI. Found guilty of both fraud and bribery, Bazilian was fined $40,000 and placed on probation for five years by a federal judge.

Medicare frauds of greater and lesser ingenuity are just now becoming familiar items in the press, because the federal government has only recently made any serious attempt to uncover them. When the Medicare program was established under Social Security in 1966, it included no mechanism to insure the honesty of participating doctors. That turned out to be an optimistic, if not downright naive, compliment to the profession. Some particularly blatant fraud was uncovered informally by Social Security offices early in the program, but it was not until July 1971 that the Office for Program Integrity, a formal investigative arm for Medicare, was established. In addition to the forty physicians so far convicted, the OPI now has an additional 1,884 cases either pending trial or under investigation.

The Middle Atlantic Region of Social Security, with headquarters in Philadelphia, seems to have the most active OPI. Of the forty convictions thus far, thirteen have been obtained in this region, which includes Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Washington, D.C. The Middle Atlantic OPI has exactly four investigators to police the entire area of five states and the District.

The OPI is called into action whenever a district Social Security office or an insurance firm (Medicare is administered through either Blue Shield or private insurance companies) questions a doctor's billings. An insurance company computer might, for example, detect a pattern of duplication or suspiciously frequent visits.

More commonly, a case begins when an elderly patient brings a copy of the doctor's bill (which the insurance company is supposed to send to each patient) into the local Social Security office. The elderly person asks: "How come the doctor charged for five visits when I only saw him twice?" Or: "What is this charge for? I never had that process done." The investigators then go to work.

"Sometimes, it turns out to be just an error or a misunderstanding," says Tom Bair, who heads the Middle Atlantic investigative team. "But other times, after we question a substantial number of the doctor's patients, we find a definite pattern that indicates the doctor has been falsifying claims." Bair says his office leans over backward to be fair to the doctors. The office never takes one person's word for anything. The office makes allowances for the fact that Medicare patients are elderly, and elderly people may not remember precisely. The OPI gives the doctor every opportunity to provide an explanation.

And then, even when the investigators are sure they've got a case, that still doesn't mean the doctor will be prosecuted. Cases are reviewed by the Regional Attorney for Health, Education and Welfare and by the U.S. Attorney's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Office before charges are made. They like the cases to be airtight. (So far there has been only one acquittal.)

The fact is that Medicare fraud is easy to commit and difficult to prove. As investigator, Robert Lydon, explains:

> We are dependent on the patients to testify and they are not always willing to do so. After all, a Medicare recipient is by definition both old and sick.
>
> The recipient needs the doctor. This may be the only doctor in the area or the only one who makes house calls or the only one who knows this person's case. After all, the doctor doesn't take money directly out of their pockets. . . . We ask the elderly to consider the effect of Medicare abuse in the long run. If Medicare costs soar out of sight, Congress may cut the program and all elderly will be hurt.
>
> And that we get to court at all is a tribute to the courage and honesty of most elderly people. They sacrifice their own relationship with the doctor for the good of all.

Lydon adds that even when a Medicare patient is willing to testify, the prosecution's problems are not over. Sometimes the patient will be too sick to come to court. Or, because it takes months to prepare a case, the witness may die before the trial is held. OPI has to be sure to gather lots of witnesses at the outset.

Some idea of what the government is up against can be gleaned from the cases of Drs. Harry Breitman and William Klinman, both of Philadelphia.

Dr. Breitman, who practices in a poor section of Philadelphia, has a reputation for charging his patients little or nothing. Thus Social Security became suspicious when it developed that he had earned $80,000 in 1969. After an investigation, the government was prepared to prosecute Breitman for twelve counts of fraud. He pleaded guilty to eight of them, involving $3,819.

It developed that Breitman had been convicted back in 1950 of defrauding state relief funds and again in 1964 of income tax evasion. Breitman had never gone to jail because his patients said they needed him. But on this third go around, the federal judge was ready to be harsh. Breitman was fined $10,000 and ordered to spend six months in jail. Once again, Breitman's patients rallied around. Two hundred of them told the court that no other doctor would make house calls in their dangerous neighborhood. The judge gave in, permitting Breitman to serve his jail sentence only on weekends and spend weekdays in his office.

When Dr. William Klinman came to trial, one 86-year-old witness had died, another witness was in the hospital with a heart attack. Luckily for the OPI prosecution, the 86-year-old woman's daughter testified that she was always present when Dr. Klinman cared for her mother. She stated that Klinman had never operated on her mother, as he'd claimed, and that the Medicare claim forms were signed before the doctor filled them in. The heart victim's 76-year-old husband came to court to testify that he always accompanied his wife to the doctor's office.

But even with these witnesses, the Klinman case was difficult. His specialty was rectal surgery and the testimony got into whether Klinman could possibly have done the procedures he collected for as quickly—and as often—to each patient as he'd claimed. The jury got a week-long education in rectal procedures—and used it to decide against the doctor.

There has been criticism of the federal judges that even when the cases are proved, even when the fraud is flagrant, punishment is not stern. Fines tend to be light, always less than the maximum, usually less than the amount obtained by the fraud. Jail sentences are almost nonexistent; Breitman was an exception. (The government can, of course, file a separate civil suit to recover the illegally obtained funds, plus damages, and in some cases it is doing so.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Some of the doctors are sympathetic thieves. Both his own attorney and the government characterized Dr. Harry Slifer as a "Robin Hood." He charged low fees or none at all and used the Medicare money he obtained, not for himself but to subsidize treatment for poor people who did not qualify by age for Medicare aid.

But not all are so sympathetic. When attorneys plead for leniency for their doctor clients, a common thread runs through their argument. "Please consider the fact that this is a doctor . . . that he has already suffered by a loss of status in his community. Please consider his standing in his profession . . . his career . . . etc." The implication is that the doctor is not a burglar. He isn't—but then, he doesn't have to be. What burglar would creep into a house and put himself in jeopardy of a policeman's gun if he could steal by just filling out a form in his own quarters?

Of course, the judges, in passing sentence, are up against the fact that they do not necessarily know just how guilty the defendant really is. The amount of money a doctor is *accused* of obtaining by fraud is not necessarily the amount he may well have taken. The investigators only sample the doctor's cases; there is not enough staff to go through his entire billing. They do not see all of his patients, and, as mentioned before, all of the patients are not willing or able to testify.

If a doctor agrees to plead guilty, he generally agrees to plead on some counts if the government will agree to drop others. The government is usually interested in saving the time and expense of a trial. In short, although the Medicare fraud cases now coming to public attention do not reflect on the integrity of the entire medical profession, they also do not reflect the entire iceberg of the problem.

Any enforcement system that must rely heavily, even if not exclusively, on ill and elderly patients making complaints against their doctors—particularly in regions where doctors are scarce—is obviously not the strongest conceivable deterrent to malefactors. Few are caught, even fewer are brought to trial and fewer still are prosecuted to the full extent of their crimes.

Any enforcement system that provides only four full-time investigators for an area covering five states and the District of Columbia is not the toughest enforcement system one could have. The Congress is now considering expanding health insurance coverage for everyone under a national health insurance program. The implications of possible abuse seem obvious.

If Congress really goes ahead with a national program it must consider an enforcement system at least as strong as that of the Internal Revenue Service. It isn't that doctors are any *more* dishonest than everyone else, just that they are possibly *as* dishonest as everyone else. □

SCIENTISTS AS DIPLOMATS

WHAT IS PUGWASH ANYWAY?

BERNARD T. FELD

Mr. Feld, professor of physics at M.I.T., is president of the Council for a Livable World; vice president for the class of mathematics and physical sciences of the American Academy of Arts and Sciences, and chairman of its committee on Pugwash Conferences.

Toward the end of the most recent Pugwash Conference on Science and World Affairs, held in Oxford, England, during the second week of September, I was approached by a journalist for an interview. He had been reading the Pentagon Papers and had noted reference to an initiative in 1967 by a pair of French scientists who, under the auspices of "Pugwash," had served as intermediaries between Hanoi and Washington. He was perplexed: how was it that scientists were presuming to take over the functions of diplomats? What was "Pugwash" anyway? Who were these scientists who were offering gratuitous advice and pronouncements on such diverse problems as nuclear disarmament, European security, control over the population and pollution explosions, the applications of technology to problems of the developing nations, and the professional and moral responsibilities of scientists (all of these being items on the agenda of the Oxford Conference)?

Good questions, but to answer them we must go back a bit. In 1955, at the height of the cold war, eleven most distinguished scientists appealed to their colleagues throughout the world to unite for the prevention of nuclear war. Under the inspiration of Bertrand Russell and Albert Einstein (who signed the "manifesto" a few days before his death), these scientists proposed: "In the tragic situation which confronts humanity, we feel that scientists should assemble in conference to appraise the perils that have arisen as a result of the development of weapons of mass destruction." They went on to describe the implications of a nuclear war, and concluded: "There lies before us, if we choose, continual progress in happiness, knowledge, and wisdom. Shall we, instead, choose death, because we cannot forget our quarrels? We appeal, as human beings, to human beings: remember your humanity and forget the rest. . . ."

Prime Minister Nehru offered India as the site for a meeting to act on this appeal in early 1957, but the Suez crisis forced its postponement. Then, at the invitation of the Cleveland industrialist, Cyrus Eaton, the conference was held in July 1957 in the town of Pugwash, Nova Scotia, whence derives the name of all the subsequent conferences.

The pattern set at this first conference has continued uninterrupted for fifteen years. Scientists (mainly natural scientists, but later a significant fraction of political, social and behavioral scientists as well) meet as in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dividuals, informally and unofficially, to discuss world problems arising from science and technology. At first, our attention was focused on weapons of mass destruction; more recently, other questions mentioned above have entered our discussions. This heterogeneous fraternity, bound by its habit of international collaboration and communication on scientific problems, has tried to apply its special knowledge and its scientific approach to the much more complex and difficult problems of world antagonism and conflict. Broadly representative of all political ideologies, comprising individuals both close to their governments and in opposition, we have sought by all means at our disposal to communicate to governments, to our colleagues and to the public the results of our common deliberations and mutual understandings.

The first Pugwash Conference was an unequivocal success. The twenty-two scientists from ten countries (seven from the United States, three each from the USSR and Japan, two each from the United Kingdom and Canada, and one each from Australia, Austria, China, France and Poland) arrived at a common estimate of the dangers of the nuclear arms race and, particularly, of the growing radioactive contamination of the atmosphere from the testing of nuclear weapons. Their suggestion for an end to nuclear weapons testing was rapidly taken up by the worldwide scientific community and in 1963—after many ups and downs of official confrontations and misunderstandings, which subsequent Pugwash Conferences helped to dispel—the Moscow Test Ban Treaty ended nuclear weapons testing in the atmosphere, in the oceans and in outer space. (Unfortunately, the diplomatic negotiators were unable to agree on a verification system that would permit the banning of underground tests as well. This failure was especially galling to the Pugwash scientists, who had gone carefully into this problem and satisfied one another that an acceptable compromise solution was possible between the seven annual on-site inspections demanded by the United States and the three offered by Russia. However, the military establishments on both sides prevailed, and the ecological reprieve derived from the ban on atmospheric tests is more than offset by the vastly increased threat to human survival arising from the underground testing of new, larger and more sophisticated nuclear weapons.)

Our first conference also convinced us that control over weapons of mass destruction and, indeed, the prevention of the ultimate catastrophe of another world war, would require the continuing efforts of scientists and scholars throughout the world. Out of this conviction has grown the loose fraternity of the Pugwash "movement," directed by an International Continuing Committee of seventeen members (three each from the United States, the USSR, East and West Europe; two from the United Kingdom; one each from Asia, Africa and Latin America), with a central office in London. Prof. Joseph Rotblat of the University of London is secretary-general of the committee and the president is Nobel Laureate Hannes Alfven, of the Royal Technological Institute in Stockholm and the University of California at San Diego.

Scientists of some twenty-five countries have organized themselves into national Pugwash groups. Some of these, particularly the East European groups, are officially embedded in their national academies of sciences; others are primarily confederations of individuals, with only the loosest ties to official scientific or governmental bodies. The U.S. Pugwash structure lies in between: the group is organized within the American Academy of Arts and Sciences, a private organization, but with the official sponsorship and collaboration of the National Academy of Sciences.

Altogether, about 700 individuals have attended the twenty-two conferences to date, and a like number more have attended Pugwash-sponsored symposia, regional or local meetings, or been involved in some other form of Pugwash activity. The Italian group organizes a biennial summer school on Arms Control, Disarmament and the Resolution of Conflicts; there has been a regional conference on the Security Problems of South Asia, and a regional meeting is being organized on Problems of Development and the Preservation of the Environment in Africa. Out of our discussions and initiatives have grown two important international bodies—the Stockholm International Peace Research Institute and the International Center for Insect Physiology and Ecology in Nairobi—with still others in the offing.

The main thrust of Pugwash continues to be disarmament and arms control. Beyond the test ban, we have spurred activities leading to the negotiation and ratification (unfortunately not yet universal) of the Treaty for the Non-proliferation of Nuclear Weapons. Our Study Group on Biological Warfare, growing out of the Fifth Pugwash Conference (also held in Pugwash, in 1959), laid the technical and conceptual groundwork for the 1972 Treaty Banning the Production, Stockpiling and Use of Biological (Bacteriological) Weapons, and we continue to explore the problems of extending this ban to chemical warfare. Our Study Group on European Security, as early as 1963, brought together representatives of both German states to discuss possible technical, scientific and economic cooperation between them, thus anticipating by almost a decade the recent steps toward *détente* in Central Europe.

Nevertheless, our primary interest remains the avoidance of a nuclear holocaust. The subjects now under discussion at the Russian-American Strategic Arms Limitation Talks (SALT) have been the main substance of Pugwash exchanges for the last fifteen years. No wonder that frustration and impatience, which have been increasing in recent years, ran so high at Oxford in September: after fifteen years, during which nuclear stockpiles have grown ten (even a hundred) times larger than could be needed for any rational purpose of security, all that the diplomats were able to agree on was to freeze both ABM and offensive missile numbers at levels somewhat greater than we have yet reached. At the same time, no limitations whatever have been placed on the real dynamo of the arms race—the continuing development and deployment of technological improvements that threaten to nullify all the good effects of SALT (such "improvements" as multiple warheads, MIRV, missile guidance precision, and the new anti-submarine warfare, ASW, devices).

Hence, though the positive effects of limiting ABMs and of halting the alarmingly rapid growth of nuclear

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Vadillo, Siempre (Mexico)

missiles were generally recognized by the participants at the most recent conference, they nevertheless concluded that "the view of the results of the first-stage SALT must be mixed." They warned: "If future negotiations should be used as an excuse or argument for new or expanded strategic arms programs, so as to be able to negotiate from a position of strength, we question whether such negotiations would be worth while. An effort to accumulate such 'bargaining chips' for use during negotiations could result in a growth in strategic weapons so great as to offset any advantages that might result from eventual agreements."

That sober view of the SALT agreements—which official U.S. and Soviet circles have heralded as a "historic breakthrough"—had already been voiced by American scientists and arms control experts. But coming from an international forum which included a number of the most distinguished Russian academicians and others fairly high in the Soviet hierarchy (Premier Kosygin's daughter, a researcher in the Academy's Institute for the Study of the U.S.A. and a distinguished "White House watcher" in her own right, was one of the participants), this rather cynical assessment of official intentions may surprise those who still think that Russia demands rigidly "correct" views from its citizens, especially from those allowed to travel abroad. The Pugwash experience of the last fifteen years is that Russian intellectuals are as anxious about the basic issues involved in nuclear disarmament as are their counterparts in the West; that they worry, argue and agitate for their views (lobby, would be the American term) in the Soviet Union. Indeed, I am convinced that the most serious block to nuclear arms control is less official U.S.-USSR disagreement than it is the internal "hawk-dove" conflict on both sides. At the moment, I have the feeling that Russian doves are faring somewhat better than are their American counterparts. In any case, we all benefit by the kind of mutual reinforcement that the Pugwash Conferences, at their best, are able to provide.

The Disarmament Working Group at Oxford focused on the future of SALT, readily agreeing on a set of straightforward and attainable objectives for the next stage.

(*a*) Dismantling of existing ABM defenses and a prohibition on all further ABM deployment. The levels now permitted are militarily meaningless and a waste of resources. Accordingly, such agreement should be easily achieved. Until such agreement can be reached, or failing its achievement, there should certainly be no further deployment of ABM systems.

(*b*) Establishment of limits on offensive delivery vehicles and warheads at levels very substantially below those now existing. Among other advantages, this would be particularly important in convincing the other nations that the United States and the Soviet Union take seriously their obligations under Article 6 of the nonproliferation treaty.

(*c*) Severe limits on those kinds of tests of strategic weapons systems that can be monitored by nonintrusive national means. In such limitation is the best hope at the present time of inhibiting the introduction of new technology which is a primary factor, indeed, in the view of many, *the* dominant factor, in the strategic arms race.

Item (*b*) of this list points to the multinational implications of the nuclear arms control negotiations, an aspect of steadily growing importance that has occupied a substantial fraction of the attention of recent Pugwash Conferences. Although the conferences have always been broadly multinational, there was from the start a feeling that the participants from the rest of the world were mainly providing orchestration (extremely important in a catalytic sense) for a primarily Russian-American dialogue on how to restrain their nuclear rivalry. Today, however, there can be no doubt that the Pugwash discussions have become full-fledged "multilogues," as pressures from the rest of the world for nuclear arms reduction provide the superpowers with at least as much incentive to cooperate as do their own perceptions of self-interest. Indeed, the threat of further nuclear proliferation—as implied by the continuing reluctance of a number of the most important near-nuclear powers (e.g., India, Japan, Israel, Brazil) to ratify the Treaty for the Non-proliferation of Nuclear Weapons—is now perhaps the sharpest spur to the SALT negotiations.

What the rest of the world demands, in exchange for the continuing nuclear arms monopoly of the superpowers, is essentially an end to the nuclear arms race and a significant reduction of the strategic and political advantage of possessing nuclear weapons. This may be a bitter pill for the superpowers to swallow, but the specific measures being proposed as the price for universal agreement on nonproliferation are far from excessive. They involve:

¶Rapid agreement on the extension of the nuclear test

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ban to include underground testing. It is now almost universally agreed (except by U.S. spokesmen) that an effective technology (mainly seismographic) exists for the verification of a universal nuclear test ban by national means alone.

¶A pledge, issued by the nuclear countries, barring the use of nuclear weapons against countries that do not permit weapons of mass destruction within their own borders. Even such a limited "no-first-use agreement" would go a long way to reassure those nations that fear their renunciation of nuclear weapons might jeopardize their security.

¶A ban on chemical weapons, to match the biological weapons ban recently agreed upon at the United Nations Continuing Committee on Disarmament, and now in process of worldwide ratification.

In their discussions of nuclear proliferation, the conferees at Oxford raised a series of questions that attracted much more public attention than perhaps they deserved. These stemmed from the following observations:

> The enormous worldwide spread of nuclear fissile material (mainly plutonium), and of nuclear know-how, that is going to occur in the next one or two decades to satisfy the energy demands of the world, constitutes a problem of staggering proportions. It is clear that the management of this problem will necessitate a high degree of international collaboration if disasters of major proportions are to be avoided. It is difficult to imagine that such an amount of collaboration will be possible unless *détente* and disarmament make substantial progress in the immediate future.
>
> There is a danger, to some degree already present, that processed fissile material in storage or in transit may fall into the hands of irresponsible, possibly criminal or fanatical groups. The need for insuring the physical protection of fissile material, by both international and national means, must be strongly emphasized.

Coming closely on the heels of the massacre at the Munich Olympics, the possibility, however remote, that a terrorist group might acquire a nuclear weapon brought the press, radio and television down upon the meeting at Oxford. Some silly things were said, and some even sillier things that were not said appeared in print. But sensationalism and exaggeration notwithstanding, the fear that fissile material intended for peaceful uses might be diverted by unauthorized governmental or nongovernmental groups—what is coming to be known as the "Mafia problem"—is undoubtedly here to stay.

For the nearer future, however, our nuclear problems stem from the actions of the great powers, which presumably have their weapons and fissile material under effective controls. What appears to be under much less effective control are the military research and development establishments. Perhaps the only "benefit" from the war in Vietnam has been the publicity it has given to such new military technology as the electronic battlefield, defoliants and crop destructants, weather modification (rain making), intense incendiary bombing, smart (laser) bombs, etc. Less discussed, because never yet used in warfare, are various new developments in nuclear weapons and missiles. All in all, it is more than abundantly clear that any serious arms control will require a much tighter curb on military R&D, and this topic now occupies a substantial part of Pugwash discussions. Although a variety of schemes for inhibiting the advance of arms technology have been discussed—budget limitations, restraints on numbers and types of tests for new systems, outright banning of certain kinds of research activities—they almost always founder on the problem of devising measures of verification that will be acceptable to sovereign states in an armed world. As is the case with most serious arms control and disarmament proposals, the problem in the end is political, and scientists are no better qualified in that area than are any other group of concerned and informed citizens. However, again like most disarmament problems, there is a core of technical difficulties, the solution of which is a prerequisite (as the mathematicians put it—a necessary but not sufficient condition) to the achievement of a political solution. That is why the Pugwash Conferences feel justified in continuing their efforts to understand and devise technical solutons for those aspects of the R&D race that may eventually be amenable to political control.

Another working group, devoted to security problems of developing nations, spent a major part of its time discussing the Middle East situation. As might have been anticipated, a total meeting of minds could not be reached; still, there are few, if any, other forums where Egyptian, Israeli, Russian, American and other scientists can sit together for four days in a reasonably calm and relatively detached discussion of the political problems of that region.

Once outside the related fields of disarmament and security, the appropriate role of the Pugwash Conferences is much less obvious, and a good many of the discussions at the conference, as well as in the working groups on Developing Nations Problems and on Environmental and Population Questions, were spent in trying to find the appropriate level and mode of our involvement. Unlike disarmament, where the most competent and effective "experts" are outside governments and official negotiating teams, economic development is being worked on by many official bodies that display every possible degree of competence. Furthermore, while discussions between scientists from East and West start out on the basis of common scientific, technical and cultural background, the "North-South" confrontation is far less evenly matched. This adds acute psychological difficulties to already formidable technical problems.

But if the difficulties are great, the needs are even greater. The ever widening gap between the rich and poor regions of the world can be overcome only by an enlightened application of science and technology to the problems of development; and the job is simply not being done, or at least not fast enough to head off the explosion that will result from delay. What Pugwash may be able to bring to the problem is experience with East-West cooperation on vital but controversial questions, and a channel for communicating ideas and plans.

The problems relating to world resources and population growth have long been compounded by unnecessary and artificial divisions (also misunderstandings) along ideological lines. We believe that in our discussions over the past decade we have bridged these divisions, so that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

we are finally at the stage of proposing an International Institute for the Study of Population Problems, which would combine the medical and demographic sciences with the social and behavioral sciences, so as to tackle simultaneously the problems of devising effective birth-limiting measures and of assuring their social acceptance in the regions where they are most needed.

Thus, I come back at the end to the question raised by the journalist at Oxford: "What is Pugwash, anyway? And what, if any, are the limits of its concerns?" As I hope the preceding discussion may have helped to make clear—if not by precept, then at least through example—we are involved individuals, with a more or less common background in science and a driving urge to help save the world in spite of itself. We recognize as valid limits only those of our effectiveness, and we are occasionally willing even to aspire beyond these when the issues are grave and the stakes are high. We bar no holds in our discussions, and we do not accept previous failure as an excuse for quitting. □

THE NEA REFERENDUM

TEACHERS AT THE CROSSROADS

MYRON LIEBERMAN
Mr. Lieberman is director of the Teacher Leadership Program at The City University of New York; he is the author of The Future of Public Education *(University of Chicago Press).*

One of the most important public contests to be held this November will not be for elective office at all. Between November 1 and 21, approximately 1.1 million members of the National Education Association (NEA), the country's oldest federation of teachers, will vote on whether or not to approve a new constitution for the association. The costs of this referendum and of the process of constitution revision that preceded it, are likely to run beyond $1.25 million, but the stakes justify the enormous expense.

In varying but substantial degree, they include the nature and identity of the association's leadership in the 1970s; the extent to which NEA (and its state and local affiliates) will become a political force; the prospects for merger with the American Federation of Teachers (AFT) and affiliation with the AFL-CIO; and the relationships between the membership, the elected leaders and the staff. Approval of the new constitution would be a major step toward the emergence of a single teacher organization, enrolling faculty from kindergarten through the university and from the public and the private sectors. Inasmuch as such an organization could have a potential membership of 3.5 million and a treasury of $500 million by 1980, any major development in this direction should be of widespread public as well as professional interest.

The new constitution, commonly referred to as "Con-con" because it emerged from two NEA constitutional conventions, is the product of a long and complex process within the NEA. Officially, it was initiated in 1970, but there had been talk of the need for it long before that. After twelve open hearings around the country, a first draft was mailed out to the membership and later submitted to the first working session of the constitutional convention at Fort Collins in July 1971. The draft emerging from that convention was circulated for discussion and criticism and was amended by a second constitutional convention held in Minneapolis in March 1972. The constitution approved there was subsequently approved by the NEA's 1972 Representative Assembly. The final step in the ratification process is approval in the November referendum by both a majority of the members and a majority of the states.

On the surface, the new constitution has two things going for it that would seem to insure approval. One is the widespread feeling that revision is needed; not even the opponents of Con-con defend the existing constitution. The other factor is that the draft to be submitted to the membership received overwhelming approval at both the constitutional convention (305 for to 14 against) and the annual assembly (4,154 for to 2,175 against). Nevertheless, approval appears very doubtful, chiefly because many association staff members, especially in the NEA's state affiliates, are successfully campaigning against Con-con on grounds that have relatively little to do with their reasons for opposing it.

For example, the new constitution would replace the present board of directors of more than 100 members, with every state represented, by a board of thirty members, including the elected officers. The other twenty-seven directors would be elected for three-year terms by the NEA's Representative Assembly from five geographical regions. Opponents of ratification point out that many states will not be represented on the board, and this objection is having some effect in the less populated states. Practically, the argument has little merit, since there is no overwhelming reason why representation should be on a state basis. In fact, a board of directors representing every state would be so large that, as now, a smaller executive body would have to be established to conduct important association business. From the standpoint of widespread participation and communication, an executive body of workable size, elected directly by an 8,000-to-9,000-member Representative Assembly, would probably be more effective, but the subtleties of the situation are not widely understood.

Like the Democratic Party, the NEA is floundering in the confusion that minority groups are to be "represented," according to the new constitution, by individuals from these groups who are elected by someone else. Thus the thirty-member board of directors is supposed to include elementary teachers, secondary teachers, adminis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trators and higher education faculty, "each in proportion to their membership in the association." Because some directors are elected at large and others by regions, and because there is no agreement on how to resolve the conflicts that could easily arise, this system of proportional representation is unwise at best, and may even be as unworkable as its opponents allege. The new constitution also requires that "members from ethnic minorities shall comprise at least 20 per cent of the board," and that nominations for the presidency must be restricted to members of an ethnic minority group if no member of such a group has served as president in the eleven years after adoption of Con-con. The practical effect of these clauses appears to be a strengthening of Southern opposition to Con-con, without any corresponding increase in support elsewhere.

Despite these and other alleged weaknesses, Con-con is an alternative to a constitution that has no visible support. Since once adopted, it could be amended, its opponents might have decided to approve the new constitution and resort to the amendment process to bring about the improvements they seek. In my opinion, however, this strategy has been rejected for a reason that receives relatively little attention in the current debate. Adoption of the new constitution would be a major step toward greater control of NEA by its membership and elected officers, and a corresponding reduction of the overwhelming staff domination that has characterized NEA for several decades. This domination now depends in large part upon the brief tenure of elected officers and the crippling limitations placed on their service while in office. Con-con provides that the executive officers of the association shall be the president, vice president and secretary-treasurer; and that such officers shall be employed full time, serve two-year terms, and be eligible to serve three terms in the office to which elected.

The potential effect of these provisions is enormous. Currently, the NEA president may serve in that capacity for only one year. The fact that the president is a lame duck from the start tends to have an adverse effect upon who runs and for what reason. With only one year in office, not even the presidential candidates seriously believe they can accomplish much, a fact reflected in the almost complete absence of issues or programs in NEA presidential campaigns. Furthermore, the severe time limitation almost guarantees the political invisibility of the president, while it enhances the prestige and influence of the staff.

Staff controls over elected NEA officers have also been a major factor in subordinating elected officers to staff. Before 1970, the budget for elected officers was administered through the office of the executive secretary, the ranking staff member of the association. Elected officers had no power to appoint staff who would be responsible directly to them. When an elected officer wanted staff assistance, he was required to ask for it through the executive secretary. It is literally true that key staff members risked their future, or thought they did, by conferring with an elected officer without approval of the executive secretary.

Not surprisingly, the compensation paid to elected officials has been consistent with their ceremonial status. Thus in 1968, the full-time elected president of NEA received $7,500; the salary of the executive secretary was about $42,000. "Full time" meant that the president went around the country making speeches; the first NEA president to move to Washington was Donald E. Morrison, who served in 1971-72.

What is crucial here is that in the state and local affiliates of NEA, elected officers also rotate frequently and exercise little or no power, while executive secretaries and staff, who supposedly implement policy, are for most practical purposes in control. As of 1971-72 the president's term of office was one year in forty-seven of the state associations. In thirty-three states the vice president automatically succeeds the president, and it is a safe assumption that presidents are denied re-election by constitution or tradition in most, if not all, of the others. Significantly, in three of the four states where the president serves a two-year term (Mississippi, Montana and New Jersey), the presidency is not a full-time position.

Con-con also includes several limitations on the tenure and authority of elected officers, but its approval would undoubtedly set in motion additional changes tending to strengthen the elected officers vis-à-vis the staff. Naturally, any turn in that direction at NEA itself is likely to stimulate similar changes in the state associations. That, whatever the reasons given, is the basis for most state staff opposition to Con-con. Here and there, one encounters hints that "union bosses" may become entrenched in NEA if the new constitution is approved, a danger which conveniently ignores the long tenure of many association executive secretaries.

Logically, attitudes toward Con-con can be—and often are—independent of attitudes toward merger with the AFT and/or affiliation with the AFL-CIO. However, an extremely important practical consideration is here involved. The AFT, whose membership may rise to about 400,000 in 1973, is governed by elected officers who normally stand for re-election and who exercise much greater control over AFT staff than do the elected officers in the associations. If there is to be a merger, there will first have to be a resolution of the governance issues. Some association officials oppose merger, not because they would lose their jobs but because merger would probably necessitate the dominance of elected officers, thereby weakening the prestige and power of the staff. Approval of Con-con would probably strengthen the pro-merger forces in NEA, partly because these forces typically support the elected leaders as against the staff, and partly because under the new constitution the NEA's elected officers would need all the political support they could find to deal with staff domination.

One last point. The NEA has never exercised political influence commensurate with its enormous membership and resources. The basic reason has been a governance structure designed to inhibit leadership. Approval of Con-con would signal the end of that structure, to be replaced by one much more conducive to effective national teacher leadership. Rejection of the new constitution would delay this outcome, but probably not for more than a few years. □

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS & THE ARTS

And I, My Lords, Embody the Law

THE SUPERLAWYERS: The Small and Powerful World of the Great Washington Law Firms. *By Joseph C. Goulden. Weybright and Talley. 408 pp. $8.95.*

JOHN M. BLAIR
Formerly chief economist of the Senate Antitrust Subcommittee, Mr. Blair is now professor of economics, University of South Florida, and author of the recently published Economic Concentration: Structure, Behavior and Public Policy *(Harcourt Brace Jovanovich).*

Civics textbooks tell us that the federal government is made up of the legislative, the executive and the judicial branches. There is also a fourth branch which, until the appearance of this excellent pioneering exposé by Joseph Goulden, had remained largely unnoted. The activities of the Washington law firms impinge on each of the traditional branches: they draft legislation (or weakening amendments thereto), exert a powerful influence on how the legislation is enforced (or even if it is enforced at all), and through their influence in the making of appointments, and the fashioning of bodies of law, affect its judicial interpretation. As more or less sideline activities they play a major role in the policy formulation and day-to-day operations of the national committees of both political parties. They even do a few good works, carefully confined to areas, notably civil rights, which pose no conflict between the interests of the public and those of their clients.

The term "Washington law firm" encompasses widely differing types of enterprises. On the one hand are what might be termed the "practitioners"—lawyers primarily engaged in representing firms in proceedings before the regulatory agencies. Their objective is a favorable ruling or, failing that, interminable delay: "Procedural haggling and delays can benefit a corporation even in a case that is ultimately lost, for each day a questioned product remains on the market means extra profits." One Washington law firm was able to keep an inefficacious drug on the market for seventeen months after its removal had been ordered by the FDA: ". . . Pannalba sales reaped $1.5 million a month for Upjohn, about 12 per cent of its domestic gross. Hence, Upjohn received more than $25 million extra, even while fighting a losing cause."

Delay can be rewarding not only to the client but to his counsel. One of the country's most prominent antitrust lawyers has attributed much of his success to an inborn trait. In a remarkable confession before a group of law students Bruce Bromley stated: "I was born, I think, to be a procrastinator. I quickly realized in my early days at the bar that I could take the simplest antitrust case that [the Justice Department] could think of and protract it for the defense almost to infinity." Referring to a famous block-booking case, Bromley said, "That proceeding lasted fourteen years. The record was nearly 50,000 pages, and there were thousands of exhibits. . . . We won that case, and as you know, my firm's meter was running all the time—every month for fourteen years." Goulden quotes a lawyer involved in a lengthy proceeding before the Civil Aeronautics Board: "You know I put a daughter through two years of college on my share of that hearing."

In addition to an aptitude for getting things put off till tomorrow, the successful practitioner must acquire expertise in an arcane and all but incomprehensible language. Commenting on a decision by the Interstate Commerce Commission, Justice Black observed, "I am compelled to say that the commission could have informed me just as well if it had written its so-called findings in ancient Sanscrit." Since each agency has its own peculiar semantics, this knowledge is not transferable, which helps to explain the extreme specialization among Washington's legal practitioners. In some cases obscurity has been achieved despite language in the statute that is reasonably clear and explicit; in others it traces back to the statute itself. Judge Learned Hand wrote of the tax code that its words "merely dance before my eyes in a meaningless procession: cross-reference to cross-reference, exception upon exception—couched in abstract terms that offer no handle to seize hold of. . . . They leave in my mind a confused sense of some vitally important, but successfully concealed purpose, which it is my duty to extract, but which is within my power, if at all, only after the most inordinate expenditure of time."

At the other end of the spectrum are those immensely important Washington figures whose business is not the practice of law but demonstrating "the ability . . . to produce effects indirectly by means of power based on wealth, high position, etc."—the definition of "influence" in Webster's New World Dictionary. The distinction was highlighted by Clark Clifford, who regarded his role as that of providing assistance to corporations, but *not* as a lawyer. The routine practice, he said, "does not interest me in the least. If a company represented had a whole series of matters before the Federal Power Commission, I would have to go out and hire a specialist." Rather he acts as a senior adviser and counselor, giving to his corporate clients the benefit of his "understanding." Between the specialist practitioners and the Clark Cliffords and Tommy Corcorans are the large hybrid firms, e.g., Covington and Burling, Arnold and Porter, Wilmer, Cutler and Pickering, and more recently Mudge, Rose, Guthrie and Alexander, whose prestigious senior partners practice considerable influence and little law, and whose numerous middle-level and junior members practice law and as much influence as they can muster.

A catalogue of the functions in which the "influence" law firms are engaged would be almost as broad as the range of government activities themselves. But the foundation of their success was, and continues to be, protecting the giant corporation from the rigors of competition. According to Goulden it was after the 1936 election that Edward Burling, cofounder of Covington and Burling, came to the conclusion that big business must not only accept the continuing reality of big government but put it to good use:

> Burling knew his corporate clients well enough to realize the phoniness of their plaints that they be permitted to operate "competitively, in a free enterprise system." Never in its history has American business sought any such thing. From the earliest stirrings of the industrial revolution, the American businessman has fought savagely to establish monopoly control—in oil, in railroads, in sugar, in farm products, in capital. Because of the counsel of such men as Burling, industry realized by 1936 that the buccaneer days of capitalism were over, that the public would not tolerate a return to an economic system in which the businessman was sovereign. How, then, could

ETSU LIBRARY
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

business subtly seize control of the reform movement and turn a historic trend to its own advantage?

In urging this approach Burling was echoing the words of wisdom proffered in 1892 by Richard Olney, who just before becoming Attorney General had been asked by a railroad client to use his good offices in bringing about the demise of the recently established Interstate Commerce Commission. Instead, Olney argued that the commission could be of "great use" to the railroads, pointing out that it "satisfied the popular clamor for government supervision of railroads, at the same time that the supervision is almost entirely nominal. Further, the older a Commission gets to be, the more inclined it will be to take the business and railroad view of things. It thus becomes sort of a barrier between the railroad corporations and the people and a sort of protection against hasty and crude legislation hostile to railroad interests. . . . *The part of wisdom is not to destroy the Commission, but to utilize it.*"

The fight to secure for their corporate clients the comforts of a sheltered life has been waged on both the Congressional and the agency fronts. In relation to Congress the activities of the Washington law firms include drafting legislation, writing the accompanying committee reports, concocting adroit eviscerating amendments, preparing testimony and speeches, contacting members of Congress particularly on the Washington cocktail and party circuits, working with news media and public relations firms to create a favorable climate of opinion, arranging for helpful contacts to be made with members of Congress by influential firms and individuals in their home states, lining up the executive agencies to take a "correct" position, trying to keep their corporate clients from making stupid mistakes and getting them ready to testify (no mean job in itself).

As an example of legislative drafting, Goulden cites the case of the act creating the Civil Aeronautics Board. According to the Celler committee this law was written during January and February 1937 in Rooms 212 and 214 of Washington's Carlton Hotel by lawyers from Covington and Burling, five major airlines, the Air Transport Association and officials of the ICC. Under the Act, applicants are required to prove they are "fit, willing and able" to engage in air transportation and that the service is required in the "public convenience and necessity." Through the issuance of "grandfather certificates" the eighteen scheduled carriers then operating—the core of the modern airline industry—were exempted from the requirements, thereby creating a virtually closed cartel.

Aside from the statute itself, the most important expression of Congressional intent is the accompanying committee report, drafts of which are routinely prepared by Washington law firms. Goulden quotes Charles D. Ablard on the critical importance of these often overlooked documents: "Writing the report that creates the legislative history is often the most important part of the lawyer's role, for it prepares the basis for later interpretation of his bill by the courts and the agencies which administer it. It can also set to rest certain arguments that the committee has considered, rejected and may not wish to hear again in future deliberations on related subjects."

At the agency level the most important service rendered by the "influence" firms is protecting their corporate clients from the consequences of their own wrongdoing. With a regularity that must prove as embarrassing to their academic apologists as it is profitable to their Washington counsel, the giant corporations have been caught time and time again in flagrant violation of the antitrust laws. Where the behavior is so egregious as to permit no chance of successful defense in a court of law, the job of the Washington lawyer is to work out a quiet settlement—*nolo contendere* or consent.

Shortly after World War II the technique was brought to a high state of perfection by Tommy Corcoran in a case involving the Sterling Drug Company:

> According to Norman M. Littell, an assistant attorney general at the time, the Justice Department's antitrust division accumulated more than 30,000 documents detailing Sterling links with I. G. Farbenindustrie, a German drug company, in violation of the law. When war began, Littell told a Senate committee, Sterling took over I. G. Farbenindustrie's South American markets and "in many cases the funds of this business were diverted from the German agents to spread German propaganda." According to Littell, the antitrust division pushed for criminal proceedings before a grand jury. Corcoran, however, persuaded Attorney General Biddle to settle the case via a civil consent decree—one day after Biddle took office.

Since that time the same technique has been used to settle important antitrust cases against leading firms in most of our major concentrated industries. To cite only a few examples, it has been used in settling the case against Standard Oil of New Jersey and Socony Mobil for participating in an international oil cartel, the case against Gen-

LIVES
(Translated by Donald D. Walsh)

Ah how ill at ease sometimes
I feel you are
with me, victor among men!

Because you do not know
that with me were victorious
thousands of faces that you can not see,
thousands of feet and hearts that marched with me,
that I am not,
that I do not exist,
that I am only the front of those who go with me,
that I am stronger
because I bear in me
not my little life
but all the lives,
and I walk steadily forward
because I have a thousand eyes,
I strike the stone heavily
because I have a thousand hands
and my voice is heard on the shores
of all the lands
because it is the voice of all
those who did not speak,
of those who did not sing
and who sing today with this mouth
that kisses you.

Pablo Neruda

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A DECADE OF SOCIAL ISSUES, PSYCHOLOGICAL RESEARCH AND CURRENT AFFAIRS

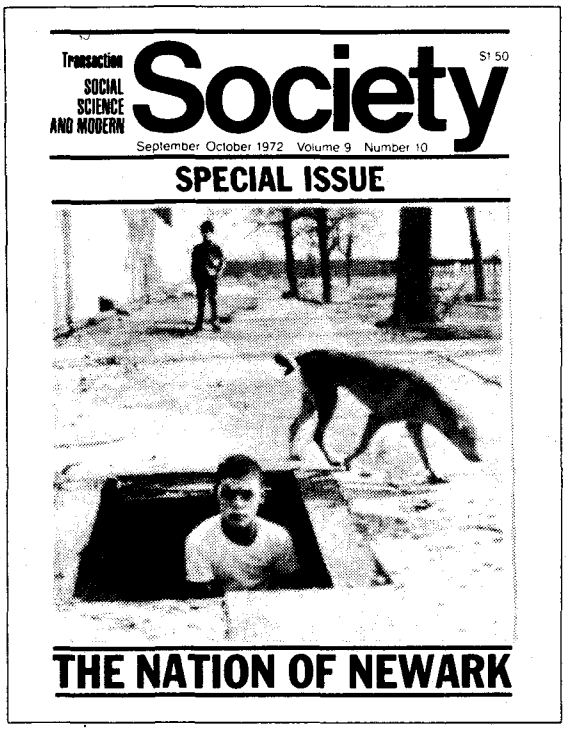
SOCIETY:

THE MAGAZINE OF SOCIAL SCIENCE AND MODERN SOCIETY

Trend spotting **and trend setting** Social Science with a solid Journalistic base.

Death of the American Dream House
Singles in the City
Mainlining Jesus: The New Trip
Chile: An End to Cultural Colonialism
Sex and Marginality in American Men
Has Black Come Back to Dixie?
Israel and Its Third World Jews
Moving and Depression in Women
Methadone Maintenance as Law and Order
Stripper Morality
The Nation of Newark
A Day in the Life of the Arkansas Penitentiary
Invisible Migrant Workers
Mother Portnoy's Complaints
Drug Pushers: A Collective Portrait
Television Comes to the Middle East
Cuban Workers in Exile
The "Liberation" of Gary, Indiana
Growing Up Girlish
How Card Hustlers Make the Game

SOCIETY
"occupies for social topics the central place the New York Review of Books does for cultural and political matters."
—Dwight MacDonald



SUBSCRIBE TO SOCIETY TODAY!

Society (formerly ***transaction***)
Box A, Rutgers University, New Brunswick, N.J. 08903

Please enter my subscription to **Society** as follows:
☐ 1 year $9.75 ☐ 2 years $16.50 ☐ 3 years $25.00
Deduct $2.00 from price and receive the first issue FREE if payment accompanies order.
Add $1.50 for delivery outside U.S.A. or Canada.

Name _____

Address _____

City _____

State _____ Zip _____ NAT 1172

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

eral Electric and Westinghouse for fixing the prices of electrical machinery, the case against U.S. Steel and the other major steel producers for price-fixing on steel sheets, and the case against General Motors and other auto makers for conspiring to withhold anti-pollution technology. By keeping these and similar cases from coming to trial, the Washington law firms have prevented the public from learning how these corporate giants actually conduct their business, deprived injured buyers and competitors of evidence needed for triple-damage suits, and denied the courts the opportunity of making the punishment more appropriately fit the crime.

But these are not the only consequences of the Washington lawyers' achievements. Even more serious is the debilitating effect on government itself. For a government attorney, the gathering of evidence, the development of a theory of the case, and the preparation for trial are demanding and emotionally exhausting labors. To have the rug pulled out from under him at the last moment by a quiet settlement negotiated secretly between his politically appointed superior and a prestigious Washington law firm can be a crushing experience. It does not take many such experiences to transform the young idealist into the middle-aged cynic and then into the senior has-been serving out his time until retirement.

Such experiences also tend to disenchant young lawyers with public service as a career, providing them with a handy rationale for departure to more lucrative sources of employment. And the Washington law firms are lucrative indeed. According to Goulden, "Of the fifty-five partners in Covington and Burling, almost half are in the six-figure bracket with the top handful near or above $200,000. . . . A trifle more for partners at Arnold and Porter. A pittance less at Wilmer, Cutler and Pickering. . . . Government attorneys generally start at the GS-11 level, at slightly more than $11,000 a year. The going rate in private practice is from $14,000 to $17,500, depending on the firm and the graduate's background." It is little wonder that the regulatory agencies have increasingly become mere training grounds for those who will later practice before it: "The SEC loses about 75 of its 380 attorneys each year to private practice; the FPC, 10 of 70; the FCC, 35 of 200; the CAB, 20 of 80. Most go into private practice in Washington."

The more successful the Washington lawyers, the less effective is government and the greater the disenchantment of the populace with government as an institution. The problem will undoubtedly continue to worsen until there is an explicit rejection of the legal fictions on which the success of the Washington law firms is based. As this observer has noted elsewhere:

> In most regulatory proceedings two assumptions are accepted implicitly: first, that a corporation, which may be of immense size, has the same rights as a natural person, and second, that answers to complex economic questions can be arrived at through adversary proceedings. There is something manifestly absurd in the spectacle of a lawyer representing a multi-million-dollar utility claiming for his client rights similar to those properly accorded a defendant in a murder trial. There is also something manifestly absurd in the idea that through the process of argument and counter-argument by opposing lawyers, a third lawyer (or group thereof) can arrive at sound economic judgments. □

Art and the Accidents of Flesh

THE MASTER OF GO. *By Yasunari Kawabata. Translated by Edward G. Seidensticker. Alfred A. Knopf. 188 pp. $5.95.*

CHARLES BAZERMAN
Mr. Bazerman is assistant professor of English at Baruch College, The City University of New York.

Honnimbo Shusai was the last of the aristocratic masters of the game of go. In 1938 a Japanese newspaper sponsored his retirement match against a younger player. The match was to be played under rules of equality rather than deference. The match was to be extraordinarily long, eighty playing hours spread over three months, during which time the players were to be "sealed in a can," isolated from consultation with other players. Midway the Master fell seriously ill, and play was recessed for three months. Six months from the start of the match, the younger player won. A year later the Master died.

As a reporter assigned to the match, Yasunari Kawabata had originally prepared a series of dispatches for his newspaper. During the war and the decade following he reworked this material into a fictionalized portrait of the Master. The subject, a man of art whose powers are waning, guarantees that the narrative will be elegiac in tone, but the depth of the sentiment is dependent on the strength of the portrait, how close we come to the man. The facts of the story are revealed early; a reporter-narrator reviews the material, filling in background and details until the known becomes familiar. The familiar turns out to be a man playing his stones at the go board.

As the prime facts about the man emerge, the less central questions posed by curiosity tend to fade. During the three-month recess the reporter, needing a story, has interviewed a highly ranked player. The reporter had hoped for some exciting discussion of the two contestants and the mood of their encounter. The player, admiring the tightness of the game, comments on technical matters only. The reporter's interest in style, mood and motive implies that there is a passion behind the obvious passion for the game, that there is more to be gained by watching the players than by watching the play. The early part of the novel is journalistic, taken up with personality and plot. But in the course of the story a less sensational appreciation of the art of play manifests itself.

We learn of the Master's appearance, his habits and his past, but these vanish with his absorption in the game. The moment of the game is alone important. His intensity distinguishes him as a master. The young challenger may be a superior player, but he is not a master —he cannot lose himself in the game. His quips, nervous cups of tea and repeated trips to the bathroom break the calm rhythm of absorption.

Calm absorption comes to be at once the material and the manner of the book. The narrator is impressed when he learns that the board is the constant mental companion of the go-player and that players dream about the positions and possible moves. The Master himself gets so lost in the current position that he has little sense of the time he has taken to make a move. As the portrait becomes merged with the game, the narrator spends more and more time on fewer and fewer details; each moment becomes a *present* moment rather than a complication or explanation or result of any other. The portrait of the man is congruent with the progress of his play. Every few pages there is a diagram of the current position; together, these are both the symbol and the subject of the book's absorption.

The novel is written retrospectively; a reporter reconstructs a time when

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

through contagion he came to appreciate the Master's art. After the passage of time has done its work of simplification, the reporter finds the surface logic of that art to be its most internal logic. The Master's weak last move before the recess is his illness. His irritation at a move of his opponent and his rash counterattack are the substance of the passing of his mastery. The acknowledgment of defeat is the death of the Master; the man's physical death a year later is reviewed only so that the reporter may put flowers on the corpse.

This is a deeply Oriental novel, close to the tradition of the artist who paints the same flower for many years, close to the tradition of Zen arts. *The Master of Go* is easy to read; beneath its surface is a carefully articulated complex of perception and growth. The book achieves the quality it admires in the Master's play, a selfless clarity and perfection. □

In Dreams Begin Responsibilities

CALIFORNIA: The Vanishing Dream. *By Michael Davie. Dodd, Mead & Co. 354 pp. $10.*

PETER DREYER
Mr. Dreyer is a South African writer, the author of a novel, A Beast in View, *and an editor of* Omphalos, *a quarterly review published in Athens and devoted to Mediterranean writings and ideas.*

Britons, Frenchmen, Germans are, I think, on the whole still relatively uninterested in books by foreigners explaining their societies and national malaises. Agape with the built-in rictus of tradition, they don't want to know how they seem to the outsider. By the very fact of being alien, he is marked as a species of barbarian, one who, in the old Greek meaning of the word, speaks an unintelligible "wah-wah-wah" and very likely has thoroughly unsatisfactory tendencies.

By contrast Americans (and I suspect Russians may resemble them in this, though I have no evidence) have always rejoiced in foreign commentators, from Tocqueville to Jean-François Revel, and have usually come out better than a strict examination of the press abroad would suggest. Britain and France, as the original householders on the North American continent, periodically send along a chap to see how the place is doing, and the present residents cherish his favorable testimony with all the eagerness of a 3rd grader getting a good report card.

Michael Davie, deputy editor of *The Observer* of London and its sometime Washington correspondent, author of an earlier book on Lyndon Johnson, has written the latest report, concentrating on perhaps the most quintessentially American state, California, "the modern version of the Land of Cockaigne."

Let me say right away that I approve of such books being written, and think this a good one: the views of an outsider are often more revealing than those of a member of the family, and Mr. Davie is an intelligent and impartial observer.

Davie knows a lot of things about California that even Californians —three out of four of them from somewhere else—might like to know, and has interviewed topical figures from Ronald Reagan to Cesar Chavez, as well as a troop of unknowns. True, he cannot resist dwelling on the bizarre in California ways, from the polar bears William Randolph Hearst kept at his castle outside San Luis Obispo to the gun-shop owner in Stockton who is in print as being of the opinion that: "The private citizen has an inalienable right to carry around his own machine gun, howitzer, or atomic device." Frankly, who could?

California is by any standards an extraordinary place. Starting in 1848 with 14,000 inhabitants, it is today the most populous state in the country with more than 19 million. Californians are the richest people in history. Were their state an independent nation it would rank sixth or seventh in the hierarchy of industrial powers, producing manufactures alone worth $21 billion in 1966. But this status has been achieved with lots of assistance from Washington: for example no less than 34.6 per cent of *all* federal expenditure for research and development goes to California, which is as a consequence the world's scientific and technological center of gravity. The cultural center remains in New York—if not somewhere over the North Atlantic Ridge—notwithstanding the pop ferment on the West Coast. There is for instance no substantial journal of ideas and writing in California, for all its riches and population, and Bill Ryan's *San Francisco Fault*—which attempts to fill that gap—is struggling.

On the ever absorbing and indeed crucial subject of Los Angeles and the apotheosis of the automobile, Davie says: "The need for a city in California is disappearing. . . . Southern California is so loosely organized, so spacious, so affluent, and so unplanned, it is the one place in the world where it is possible to see how the mass of people, given the chance to decide for themselves, really want to live. Largely because of modern technology, the majority of them seem to have concluded that they do not want to live in cities. They are, so to speak, voting with their wheels." He goes on to quote an unnamed—but lyrical—British conservationist, who describes the Los Angeles freeways seen from the air as being like "a Crown-of-Thorns starfish devouring the living thin layer of coral on a tropical reef."

One of my minor beefs against the book is that it hardly mentions the $1.5 billion Bay Area rapid transport system, except to say *en passant* that its facilities provide no parking for bicycles! This is the real trend of the future—any sane future—and Angelenos, despite the fact that they voted the automobile-forever ticket a few years ago, will ultimately be forced in the same direction by the sheer necessity of survival.

The Diary of Samuel Pepys
Edited by
Robert Latham and William Matthews
Volume VI (1665, The Great Plague)
Volume VII (1666, The Great Fire of London)
Sold as a set only $25.00
UNIVERSITY OF CALIFORNIA PRESS
Berkeley • Los Angeles • New York

AUTHORS WANTED BY NEW YORK PUBLISHER
Leading book publisher seeks manuscripts of all types: fiction, non-fiction, poetry, scholarly and juvenile works, etc. New authors welcomed. For complete information, send for free booklet N-5
Vantage Press, 516 W. 34 St., New York 10001

THE NATION'S BEST PUZZLES
Book 3—$2.00
All 3 books—$4.00
Frank W. Lewis
c/o 15 Lakeside Drive
Greenbelt, Md. 20770

'THE PRESS AND THE BAY OF PIGS'
A detailed study by
Victor Bernstein and Jesse Gordon
Single copies—15c; 25 copies at 10c each
Orders over 25 at 7c per copy
THE NATION
333 Sixth Ave., New York, N.Y. 10014

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I think many of us, even among the children of light, make the tacitly vain, Pharaonic mistake of assuming that the freeways—certainly one of the most remarkable feats of public works of all time—are eternal. A monorail on one side, bicycle tracks on the other, and once the car has been outlawed they can without too much trouble be converted into a modern version of the Hanging Gardens of Babylon: all that would be needed for the rest is stations and a variety of flowering creepers.

Los Angeles could thus be transformed into the world's most beautiful city (Venice having by then slid into the Adriatic, and the French, with their genius for the obsolete, having finally converted Paris into a version of L.A. circa 1972) in a matter of a few years.

Reporting on a new "ideal city," where they have "absolutely no bar on Negroes" but "probably don't cater to that kind of market," in the words of a spokesman, Davie is acerb: "The white lifesize statue of Christ (in Memorial Park) imported from Italy looks as unfamiliar with suffering as if he, too, were a satisfied Westlake homeowner."

On astrology a girl says: "After you've said screw everything and everybody, you begin to wonder who and what *you* are. Astrology tells you."

"An old fellow in Bakersfield" ruminates on the nostalgia of the rugged Right:

> These people haven't the slightest idea what the good old days were like. The pioneering virtues were fine—for those who had 'em. But who did? Who stood on his own two feet?
>
> The average westerner prides himself on his independence and calls himself a rugged individualist. He hates the federal government, and says he hates state encroachment. Yet no section of the United States has benefited as much from state aid as California.
>
> These rugged individualists get loans from the government on terms you and I would be delighted to get in buying an automobile.

Of the philosophy of do-what-thou-wilt, we have outside comment from Daniel Bell: "There is [in the post-modernist temper] no distinction between art and life. Anything permitted in art is permitted in life as well." Of course this is nothing new. Oscar Wilde long ago gleefully pointed out the fact that life was guilty of imitating art. But Oscar Wilde had never run into Charles Manson.

Art of occasion claims its dues. In a later chapter, Davie says: "The People's Park troubles produced some of the best American photography for years."

The essence of the conundrum may be that "the richer Californians get, the more they worry about what they are rich *for*." They have "the time, the money, and the assurance of future comfort that leaves them with no alternative except to confront their anxieties." Davie sees hopeful trends in the conservationists and the hairies of the underground press, amongst others:

> . . . they were treating California as it should have been treated from the beginning: as a place that offers exceptional opportunities for experiment, perhaps for the ultimate benefit not only of Californians but of the rest of us as well. Their activities struck me as proof, too, that western adherents of rugged individualism need not always end up in a narrow cul-de-sac, with each rugged individual defending his own lush patch against outsiders. Instead, they could also stand in the open, showing true independence, inventing new methods to suit changing circumstances instead of sticking to old rules from motives of self-interest.

Toward the end of his survey the author runs into an amiable man called Prof. Gunther Stent at Berkeley, who is on a "decline of Faustian man" trip —which basically means that he thinks progress has come to an end, and that we are about to return to a happy but slothful siesta culture of the Polynesian sort. He leaves Stent, bemused, but still querying: "Students were hurrying to and fro in what appeared to be Faustian activity."

Then, crossing the campus, he passes a group of Hare Krishna types and has second thoughts. Perhaps "the underlying Californian turmoil is most readily explicable in terms of a search for a new religion." And a new rip-off Mephistopheles? The combination of Professor Stent's Germanic logic and the saffron-spangled quad is too much for him, alas, but really his own book makes it clear that such phenomena are no novelty in the new Cockaigne, and hardly a justification for ordering baked meats at the feast of reason.

I object to one other thing: his reference to the "slaughter by a Mexican-American of a group of farmworkers north of Sacramento." If this means the Juan Corona case, as I suppose it must, it is incumbent on me to point out that it was at the time of his writing and still is very much *sub judice*—and the trial seems likely to be a lengthy one. Implying that a man is guilty before a verdict has been reached is the sort of thing some of the American press do too often, and Michael Davie, as a reputable British journalist, ought to know better. □

RIVALS

The loud-legged cricket
rivals birds' mouth.
Black-winged siren
she turns a blade of grass
to a pedestal of sound.

In the animal-crazy night
I learn to move
small-footed, melodic
as the cricket;
graceful and cruel
as the mantis.

Deborah Tall

What God Hath Wroth

CHARLOTTE PAINTER
Miss Painter is a writer who teaches at the University of California at Berkeley. Her latest book is Confession from the Malaga Madhouse *(Dial).*

As Phyllis Wrath awoke one morning from uneasy dreams, she found herself transformed in her bed into an enormous male organ. Her family rushed in to examine her. Her two sisters turned green. Phyllis had always outdone them. "You passion fruit!" her mother shrieked. "You did it for revenge!"

Phyllis (or Fill as her friends now began to call her) had long known how to write best-sellers. With the zeal of one who never disdained an advantage, she began mentally to compose her memoirs. Instantly, she felt a throbbing in her head.

"She's growing!" cried her envious sisters. "God, look at her grow! You swellhead!"

Her mother swooned over the poultice she was trying to prepare.

There was no stopping Fill. The writing in her head rapidly metastasized throughout her system. Within minutes she had filled the entire house like Alice after the Pill. The neighborhood was squashed. Soon she was the size of the Washington monument. A crowd formed an obligingly round orifice about her as she soared upward. Train and plane reservations to the Wrath Center were booked for months ahead. CBS gave her twenty-four-hour coverage.

Phyllis thought, "I'll be the biggest thing since the moonshot," but soon she realized she would be bigger. As com-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

position of her book went on, she came to understand that her very act of creation was causing her phenomenal growth. This insight brought on further swelling, and for the first time in her life Phyllis Wrath experienced cosmic enlightenment.

"I am writing something bigger than the Great American Novel, bigger than the Bible," she told herself. I am writing the world. I *am* the world, the universe. I am God!"

A cloud brushed her head. The earth was a swirl below her. She was free of its maddening detail. She had attained godhead. Words failed her.

We followed her intently via satellite, caught up in a fabulous foreknowledge. It came. And the Lord spoke in the mightiest ejaculation since the Flood.

Capitalists and Communists alike changed their lives by cooperating in the universal distribution of Fill's book by artificial insemination, subscribed to by tithe, all proceeds to Fill's mother.

And that sainted woman was very, very proud. □

Reborn as the Great Lizard

THE CHANT OF JIMMIE BLACKSMITH. *By Thomas Keneally. The Viking Press. 178 pp. $6.50.*

ROBERT K. MORRIS
Mr. Morris has written several books of criticism on British fiction, and frequently reviews contemporary literature.

> In June of 1900 Jimmie Blacksmith's maternal uncle Tabidgi—Jackie Smolders to the white world—was disturbed to get news that Jimmie had married a white girl in the Methodist church at Wallah. . . . Therefore he set out with Jimmie's initiation tooth to walk a hundred miles to Wallah. The tooth would be a remonstration and lay a tribal claim on Jimmie.

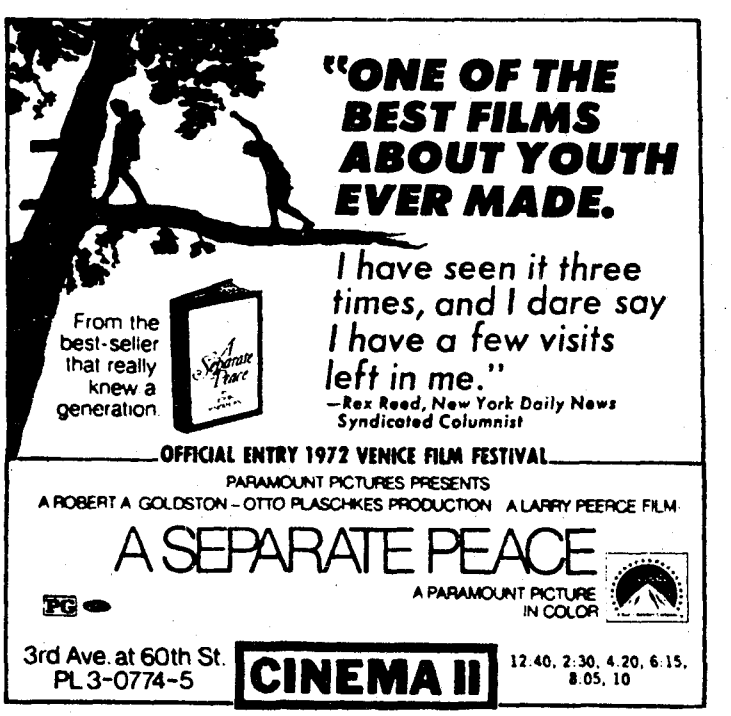
This is the flat, objective opening of Thomas Keneally's seventh novel, used as a kind of key to wind tautly the mainspring of action until it uncoils grimly. The novel, based on a bloody fragment from the Australian past, has at its center the ax murder by Jimmie and his uncle of four white women; but as in Styron's *Confessions of Nat Turner* or Capote's *In Cold Blood*, the gruesome physical crime itself never looms as large as the frustration, despair or futility that goes into its making, nor as large as the guilt suffered in expiating it.

Jimmie is an aboriginal and half-breed, educated by a well-meaning evangelical missionary and lured away from his tribal totems and rites to the bigoted, jingoistic world of the New South Wales WASPs. The parson has befogged Jimmie with white values, and flogged him with the Protestant ethic, instilling in him "landowning ambitions, ambitions for contracts, for bonding one's word and sticking to a job until it was finished"—unaware that he is at the same time damning him to a limbo neither Christian nor pagan. Moving from odd job to odd job, in which he hopes to succeed like the whites, but is persistently maligned, cheated and rejected by them, he settles down finally in quasi-permanence with a family named Neville, marries their maid—a sickly, dull white named Gilda whom "he did not choose as a woman at all, rather as an archetype"—and shortly afterward, aided by his uncle and his own rage and pain, runs amok.

The gory and apparently irrational axing occurs after 80 pages, and it is in those pages that Keneally must show Jimmie's divided mind and soul if the murder is to be anything more than a sensational *acte gratuit*. How Keneally leads up to it and away from it is, of course, the novel itself. His achievement is the more remarkable in that he effects it without documentation, psychologizing, or obvious commentary. Once Jimmie is initiated into the white world—after his parallel initiation into his own tribe—he witnesses in various encounters its brutality, cruelty and degeneracy. He is whipped, humiliated, isolated; he sees his friend sodomized and murdered. His prolonged suffering becomes his "license to run mad." He is caught in the toils of a "drunken judgmental majesty" that the reader readily accepts as a reversion to savage nature before he realizes that the author sees Jimmie, ironically, as uncorrupted by mercy, killing with ease, "as he struck and kept striking," raised in his role as ultimate victim to almost mythic heights, "lost somewhere between the Lord God of Hosts and the cosmogony of his people."

This happens in the last half of the novel, the long denouement in which Jimmie and his brother Morton, pursued by half the country, make for the coast, hoping to stow away on a ship bound for America. The hopeless flight is Jimmie's third initiation: a walkabout in the Australian bush that Keneally charts not simply with a map maker's eye to every tree, stream and drumlin, but with a visionary's insight into the geography of Jimmie's mind as he penetrates deeper and deeper into the bush where the hell of guilt and the rigor of the elements become one. No longer hating whites—their sporadic killings during flight are, like their foraging for food, mere acts of self-preservation—the two men become victims of the "entire human landscape," as though the primitive bush itself were personified as furies:

> The fervor of cicadas drilled in the ear. The red-hot lust of the brute earth to flesh itself out with voice and bug-eyes and dry twiggy locomotion had brought them up out of the pores in


"ONE OF THE BEST FILMS ABOUT YOUTH EVER MADE.
I have seen it three times, and I dare say I have a few visits left in me."
—Rex Reed, New York Daily News Syndicated Columnist
From the best-seller that really knew a generation.
A Separate Peace
OFFICIAL ENTRY 1972 VENICE FILM FESTIVAL
PARAMOUNT PICTURES PRESENTS
A ROBERT A GOLDSTON - OTTO PLASCHKES PRODUCTION A LARRY PEERCE FILM
A SEPARATE PEACE
A PARAMOUNT PICTURE
IN COLOR
PG
3rd Ave. at 60th St.
PL 3-0774-5
CINEMA II
12.40, 2:30, 4.20, 6:15, 8.05, 10

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

soil. After a dark glutinous incubation, they now had a short season to rant, to burr and shriek notches in the night's smoothest edge.

Yet even here, where Keneally's aphoristic, poetic style grows symbolic and hallucinatory, the author works a stunning reversal and moves the novel away from a cliché inherent in most of the flight literature from Mérimée to *Tell Them Willie Boy Is Here*—the fugitive's defeat by the hostility of the elements. To be sure, nature's forces in this novel *are* as malevolent as Jimmie's pursuers, but they also impart a primal energy to Jimmie and to the narrative: Jimmie reverts to his roots and stock. What he once rejected in favor of the pale ghost of Christianity and the provincial pride of Australian whites, he now embraces—the animistic, totemic, pagan world of nature about him. Like the brown snakes who have undergone their seasonal molt, he sloughs off his whiteness and corruption before he is wounded, captured in the throes of fever, imprisoned briefly, and hanged. And unlike Jimmie, the innocent boy of 13 who failed at his first initiation to be reborn into the great Lizard, Jimmie, the outlaw of 22, succeeds.

The Chant of Jimmie Blacksmith is a powerful novel, but the power is manifested in something other than its dark, sometimes grotesque action, or the reverberations of its overlarge themes of racism, identity, freedom, crime and punishment, or its holding in balance human frailty and fatality. The power is in Keneally's prose, which one follows like a score from its low-keyed beginnings, through its dire crescendos, to its tragic coda. I suspect that Keneally composed this frightening and beautiful book with an ear to what might have been Jimmie's own chants: poems of love, happiness and joy that he would have liked to sing, and those poems of hate, fear and death that he had to. □

THEATRE

HAROLD CLURMAN

It troubles me, after a week of theatregoing, that I have little to praise except productions offered for limited runs. Broadway offered no pleasure apart from the presence of Jane Alexander in *6 Rms Riv Vu* by Bob Randall (Helen Hayes Theatre). The script is a synthetic sentimental comedy of TV brightness—facile in well-practiced gags which might have passed muster in 1919. It is a contrivance for the tired, is well staged by Edwin Sherin, and played by a suitable cast.

Only Jane Alexander is unusual in her gentle humor and warm ladylike charm. She characterizes with sensibility and with just enough "histrionics" to match the script's mode. In view of her stirring emotionalism as Jack Jefferson's mistress in *The Great White Hope* and her comedy touch in the present play, we must acknowledge her as one of our five or six best actresses.

I cannot evaluate Thomas Middleton's *Women Beware Women* with any confidence. Written early in the 17th century, it is a sanguinary melodrama—eight characters suffer violent deaths—with a degree of black comedy which in the same author's superior *The Changeling* reminded me of Jean Genet. *Women Beware Women* in Middleton's words is "half merry and half mad." On the English stage of its time it passed as "tragedy"; in New York today (especially as done by the youngsters of the City Center Acting Company) it is a Thespian exercise, and a moderately entertaining curiosity. Its hail of atrocities only provokes laughter among us.

The Jacobean era produced many plays that dealt with corruption and all manner of intricate depravity in high places. Was this a reflection of the times or mere stage stuff—cautiously laid in Italy—to gratify the taste of the plebes, who enjoyed the villainy, and of the aristocracy, who appreciated the conceits of speech? Both possibilities may be true. Shaw and Granville Barker were contemptuous of this dramaturgy; T. S. Eliot admired it; I find myself wondering.

But I did not go to see *Women Beware Women* because of my interest in the questions just posed. My sights were directed at the ably staged and handsomely costumed production by the new group. Its training at the Juilliard School of Drama was calculated to make it capable of acting plays in all styles, from the Elizabethan to the contemporary: a bold and laudable project. But I doubt that an American company can accomplish this with so brief a preparation as four years. The English are often able to do it because the educated Englishman's training begins with the reading and study of dramatic verse in boyhood long before he undertakes to interpret the masters on a stage.

There is, moreover, a way of life, a pattern of behavior, an environmental and social tradition which prepares the English man and woman for the pomp of the Elizabethans and the polished incivility of the Restoration, and for other dramatists between the 16th and 19th centuries. Their plays do not have to be "revived"; they have never altogether died. The breach between England's first Elizabeth and its second is not half as sharp, in terms of national temperament and artistic sentiment, as that between Martin Van Buren and Richard Nixon. For all the transformations in their destiny, there is among the English a continuity of attitude and manner which hardly exists in the United States, where every ten or twenty years something like a new identity is born.

I could grasp everything said by the City Center actors in *The Hostage* and *The Lower Depths*, but little more than half of their lines in *Women Beware Women*. But that is a relatively minor matter. More important is the fact that the particular kind of viciousness to be found in a Jacobean play is totally alien to the innocence of the City Center Acting Company and its audience. The wickedness of Middleton's characters becomes child's play and a joke under such auspices. That may be why David Schramm, who acts Leantio, the play's good guy, comes over most effectively.

A true theatre is rarely capable of, or even interested in, doing "everything." To attempt all styles is to possess none. The actors of the original Moscow Art Theatre were marvelously trained in every respect, but they were not at their best in Shakespeare, Byron or Ibsen; they chiefly excelled in Chekhov and Gorky. The notion that a theatre company can or should encompass the whole range of the world's dramatic repertory is based on a misconception. The theatre is truly creative only when it develops organically from a specific matrix which unifies all its elements and expresses what is at the heart of a particular company's nature. This in turn is formed by the mileau which has bred it. The effort of so many of our university and regional theatres to produce "good theatre" from every source is, apart from its value as "practice," doomed to dilettantism, a sort of cultural castration.

What I have just said is well illustrated in an opposite sense through the production of Lorca's *Yerma* by the Nuria Espert Company from Spain under the direction of Victor García (Brooklyn Academy of Music). Though Lorca called his play a "tragic poem," I have always hitherto seen it staged in more or less realistic fashion; I have never before seen its stylistic freedom as authentically embodied as by this Spanish company. It is a genuinely original interpretation of a play which, for those ignorant of Spanish, as I am, must remain a bit of a "mystery." Here its mystery becomes fascinatingly memorable.

Yerma, the name of the play's central character, is the Spanish for barren. Yerma, a young peasant woman, has

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

married a man who appears to love her and whom she loves. But though she passionately longs for a child, she has had none. Faithful and religiously devout, she will take no lover, though inclined toward another young man. She is also tempted by an old woman from "high in the mountains" who bids Yerma to abandon her husband and cohabit with the old woman's son. It is not Yerma's fault, the old crow assures her, that she is without offspring.

I always had the impression from past productions of the play that Juan, Yerma's husband, was either unwittingly homosexual or impotent. It is immediately clear in the present production that this is not so: from the first we see the couple making ardent love; but he is selfish, enjoying his wife as "goods" he owns. His is a repressive, life-denying spirit. Is there in this an allusion to the state of modern Spain? The theme of fettered sexuality and the havoc resulting from it recurs in all Lorca's major plays. These plays have therefore often been said to deal with "fertility." But Yerma's hunger for maternity is a yearning to complete the cycle of human experience, to live a full life. At the play's final moment, as Juan forces a sexual embrace on her, she strangles him. She cries out, "Now I'll sleep without startling myself awake, anxious to see if I feel in my blood another new blood. My body dry forever! . . . I myself have killed my son!"

The production uses a raked trampoline. This can sink below the customary sight lines of the orchestra floor, it can serve as the upper portion of a tent-like shape through which the action is glimpsed, it can be given irregular forms as of hill country and, at one point, it becomes a sort of concave "mural" background for a Dantesque vision. In this last we behold Yerma's inflamed dream; her tortured body lies naked, encircled by many men—one of them also totally naked—howling cries of cruel desire and equally cruel fear and loathing.

I was worried at first by the production's too blatant mechanics. No effort was made to disguise the operational means employed, by lighting for example. The director, it seemed, was *demonstrating a technique*: to present Yerma in an ultra-modern vein. "Theatrics" would supersede communication of substance. But by the end of the evening—though a slight suspicion still lingered—I was convinced that real expression had been achieved.

This predominantly lyric play became joyously animated, its horizon broadened in the new production. Apparently static scenes leap with fresh vigor, even humor. There is a virile youthfulness as well as intensity in the acting, especially in that of Nuria Espert herself as Yerma. Her supple figure in the scene just described is beautifully placed within the pictorial composition. High intelligence obtains in the visualization of each episode. Juan's two sisters who guard Yerma in her husband's absence, hovering around and above the action, become spectral symbols of the play's intent. The introduction of flamenco song at a shattering pitch conveys not only Yerma's despair but strikes the ear as the wild plaint of a martyred earth.

Despite certain technical crudities and imperfections the Nuria Espert Company's *Yerma* is one of the outstanding successes in the effort during the last decade to enlarge the imaginative scope of the contemporary theatre. This, moreover, has apparently been attained without distortion of the text. There is more to Victor García's production than "experiment": a living voice and a people declare themselves through it. □

ART

LAWRENCE ALLOWAY

Two weeks ago I discussed exhibitions at three galleries in terms of the artists' failures to develop Abstract painting consistently. Still with reference to gallery shows, I shall consider here a group of four Realist painters (Fischbach Gallery) in the context of the recent renewal of interest in realism. Yvonne Jacquette is showing a series of small paintings of telephone posts, viewed from below against the sky. She takes angles of vision that are physically unstable, the equivalent of a glance. Contact with the ground plane and the location of the base of the poles can only be inferred, but the slices of treetops, the loosely hung wires, and the taut bracing wires, make exact conjunctions. She has a great sense of how to handle irregular, brief or narrow forms as they turn up all over the picture. Each painting is a section of reality observed in terms of variable forms and flowing light.

In contrast to Jacquette's endlessly renewed optical impressions, Sylvia Mangold's art has a thematic unity that is illusionistic and sensual. Since 1968 Mangold has been working on a series of paintings of parquet and plank floors in moderately angled close-up. The angle of recession and the perspective grid defined the whole field of the canvas completely, combining both a commonplace subject and an uninflected all-over design. A quotidian scene was persuaded to con-

The NATION'S

DISCOUNT

Book Service !

1. **POLITICS AND DIPLOMACY OF PEACEMAKING: Containment and Counter-revolution at Versailles, 1918-1919.** By Arno J. Mayer. Peacemaking after W.W. I is thoroughly examined in light of the Bolshevik Revolution and rebellions throughout Europe.
Pub. at $15.00. .....Sale **$3.98**

2. **EGO AND INSTINCT** by Daniel Yankelovich and William Barrett. Revolutionary work challenging Freud. Fresh evaluations of Lorenz, Piaget, and Claude Levi-Strauss. Brilliant insights into the neuroses of our society.
Published at $10.00 .....Sale **$2.98**

3. **THE COMPLETE OPERAS OF VERDI** by Charles Osborne. Thorough, brilliant analysis of six Verdi operas. Also relates Verdi's stormy life contemporary with each work.
Published at $10.00 .....Sale **$3.98**

4. **FIFTY YEARS,** *edited by Clifton Fadiman.* Collection of the writings of the greatest authors, including Sartre, D. H. Lawrence, Gide, Belloc, Updike, etc., commemorating Alfred and Blanche Knopf's publishing careers. Photos.
Published at $10.00 .....Sale **$3.98**

5. **GORDON CRAIG** by Edward Craig. Inside story by his son of the great stage designer whose revolutionary ideas transformed the theatre. Describes his theories, his relationships with Isadora Duncan and other women.
Published at $10.00 .....Sale **$2.98**

6. **LAW AND ECONOMIC POLICY IN AMERICA: The Evolution of the Sherman Anti-trust Act,** by William Letwin. Unusual analysis of the development of law in America. Relates public opinion in the late 19th century to changing economic conditions and evaluates the antitrust policies that arose.
Published at $12.95 .....Sale **$3.98**

7. **FROM APE TO ANGEL** by H. R. Hays. Fascinating account of strange customs of people in remote areas of the world and the exciting stories of Darwin, Margaret Mead, Martha Graham, et al., who studied primitive tribes.
Published at $10.00 .....Sale **$4.98**

8. **Richard F. Burton's THE CITY OF THE SAINTS: And Across the Rocky Mountains to California.** Daring world-explorer records his 19th century journey from England to Salt Lake City, detailing local beliefs and customs.
Published at $8.50 .....Sale **$4.98**

THE NATION BOOK SERVICE
333 6th Ave., New York, N.Y. 10014

Please send the books I have circled:

1 2 3 4 5 6 7 8

Add 50¢ handling charge on all orders under $5.00.

Total Payment Enclosed $ _____

Name _____

Street _____

City, State & Zip Code _____

11-6-72

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tribute the kind of space that Abstract painters invent. Her recent pieces, however, suggest that she has run into the problem that has troubled reductive Abstract artists: how to introduce variety into high-unity configurations? She has done it by bringing in bits of furniture and strips of wall at the edges, as well as the outline of sunny windows on the floor, but the extra activity diminishes the pictorial conviction of the paintings. That is to say, she is complicating a holistic format by acts of addition, but the new fragmented forms are less subtle than the unified gradients of her earlier emptied rooms.

John Moore paints large pictures smoothly on the basis of tonal values rather than color: grays penetrate his pictures, subduing the model's flesh, the yellow seat of a tubular chair, or the houses across the street seen through a window. His pictures are highly elaborated but schematic; objects are solid, but bear traces of having been placed according to a plan, the order of which persists a little ostentatiously. Susan Shatter's best pieces, I thought, were two urban panoramas painted this year, one of Boston, one of downtown New York, in which the paint slides calmly across the simplified forms. By comparison, her New York panorama of last year included unexpected axes and wrinkles of drawing that agitate the surface too much.

Incidentally three of these artists (Jacquette, Mangold, Moore) are included in an American Federation of Arts traveling exhibition due at the New York Cultural Center in the new year. This is "The Realist Revival" arranged by Scott Burton (who organized an earlier Realist exhibition at the Fischbach Gallery, "Direct Representation"). It is accurate to speak of a revival both in terms of the number of artists contributing to it and in their contemporaneous emergence from widely separated origins. Earlier efforts had been made to promote a "return to the figure," but these certainly had no influence on the artists. To determine when the scatter of individual Realists were sufficiently visible to constitute a revival we can cite William Seitz's exhibition for the U.S. pavilion at São Paulo in 1967. It consisted of Edward Hopper, along with younger artists compatible with him; Hopper's realism was matched by artists who were all Pop, post-Pop or sub-Pop. In the following year, Vassar College put on a show called "Realism Now," with a catalogue by Linda Nochlin, which was made up almost entirely of Realists, with only a touch of post-Pop; it anticipated many subsequent shows. Therefore, 1968 seems to be the year in which the recognition of realism could no longer be postponed.

Ten years ago, when the Museum of Fine Arts at Ghent put on an exhibition called "The Human Figure Since Picasso," somebody observed in the catalogue that "in the course of the preceding decade such an exhibition would have been impossible to envisage." Looking at the catalogue now it is equally impossible to envisage it being done today without realism. The striking fact about the show was the preponderance of expressionistic or formalized pictures in which the imagery of the human figure was filtered by emotional distortion or decorative elaboration. The formality of the School of Paris, and of Abstract art, which the organizers thought they were evading, secretly infiltrated their taste. The general term "figurative" as opposed to "non-figurative" art assumed acceptance of the stylistic devices of the School of Paris; if a picture represented objects or spaces in no matter how conventional a formula, it was automatically labeled figurative, the same word that would be used for Courbet or Edward Hopper. The situation has changed fundamentally and any show devoted to the human figure now would be basically realistic, in the sense of accepting average human vision as a norm.

A problem in the discussion of realism, which implicates both its supporters and opponents, has to do with the vulgar idea that it is an art of copying. Supporters of realistic art in the 19th and early 20th centuries developed a nuanced vocabulary based on a theory of the imitation of nature. Neither the mediating decisions of the artist nor the iconography of representational motifs was considered of importance, compared to an ethic of fidelity to original motifs. Opponents of realism were satisfied to accept this view, invert it, and dismiss it as idiotic. An article by Meyer Schapiro, in *The Marxist Quarterly*, January-March 1937, should have settled this point forever, but clichés persist. He wrote: "There is no passive, 'photographic' representation," only "ordering principles and expressive means." Thus, when we look at a Realist work, we are not getting the scene in clear (to use the term cryptographers apply to a message before it is encoded). All art is encoded by the artist and to look at the work as if it were not is to miss its formal and expressive possibilities. The world is bigger than the work of art and it is the artist's acts of exclusion and contraction, as much as the imitation of what is retained, that give meaning to Realist art.

Art criticism has not succeeded in coming to grips with the problems of representation, inhibited as writers are by memories of 19th-century mimeticism and restricted by our overdeveloped sense of art as an autonomous life of forms. Typical of the verbal slackness is the use of the term "new realism" to refer to photograph-based and illusionistic painting and sculpture. Not only is the term the same as one current ten years ago for a French version of Pop art; it also introduces the competitive evolutionary view of art history as a race of styles that has been used to hustle Abstract art. Some basic ideas about the art world are in a state of change just now and it would be good if this particular habit from earlier notions of modernity were not perpetuated. An analytical and descriptive account of the forms of realism is needed, not more slogans which may aid short-term sales but at the expense of a usable vocabulary □

PRINT SHOP FOR SALE

COMPLETE OFFSET SHOP, up-to-date equipment, union label, loyal customers. Established 20 years. Grosses $100,000 with good profit. Partners wish to retire. For information write: **"AGENCY," 118 South Vermont, Los Angeles 90004.**

PUBLICATIONS

YOU HAVE A RIGHT TO FULL DISCUSSION about smoking and health. The cigarette question is still a question. Send for free booklet, **"The Cigarette Controversy," Dept. NA, The Tobacco Institute, 1776 K Street, N.W., Washington, D. C. 20006.**

NATURAL FOODS. Book provides vital facts on food pollution, macrobiotic diets, recipes, nutrition charts, and more. **N-180. $1.95. STOP SMOKING!** Book presents medically and psychologically sound step-by-step method to help you stop smoking NOW! **NWB 106. $1.00.** (Add 50¢ per book, postage and handling). **J. A. Parente, 63 Trask Ave., Bayonne, N.J. 07002.**

PERSONALS

COLLECTORS: McGovern 6" button. Only 500 issued. Each numbered. **$4.95. Kennedy—3½"—$2.95. Box 144, Hazelwood, Mo. 63042.**

ABOLISH ALL ABORTION LAWS without exception. The right of each ratiocinating individual to own his or her own body is the paramount moral law, WITHOUT EXCEPTION.—**AAAL, P.O.B. 36122, Los Angeles 90036.**

PATCHES & APPLIQUE (over 200), **POSTERS** (over 275, many anti-war) **BUTTONS** (135), **BUMPER-STICKERS** (50) and other peace items. Wholesale and retail. Catalogue with pictures 25¢ (refund 1st order). **BIG-LITTLE STORE, 1077 Mission, San Francisco, Ca. 94103.**

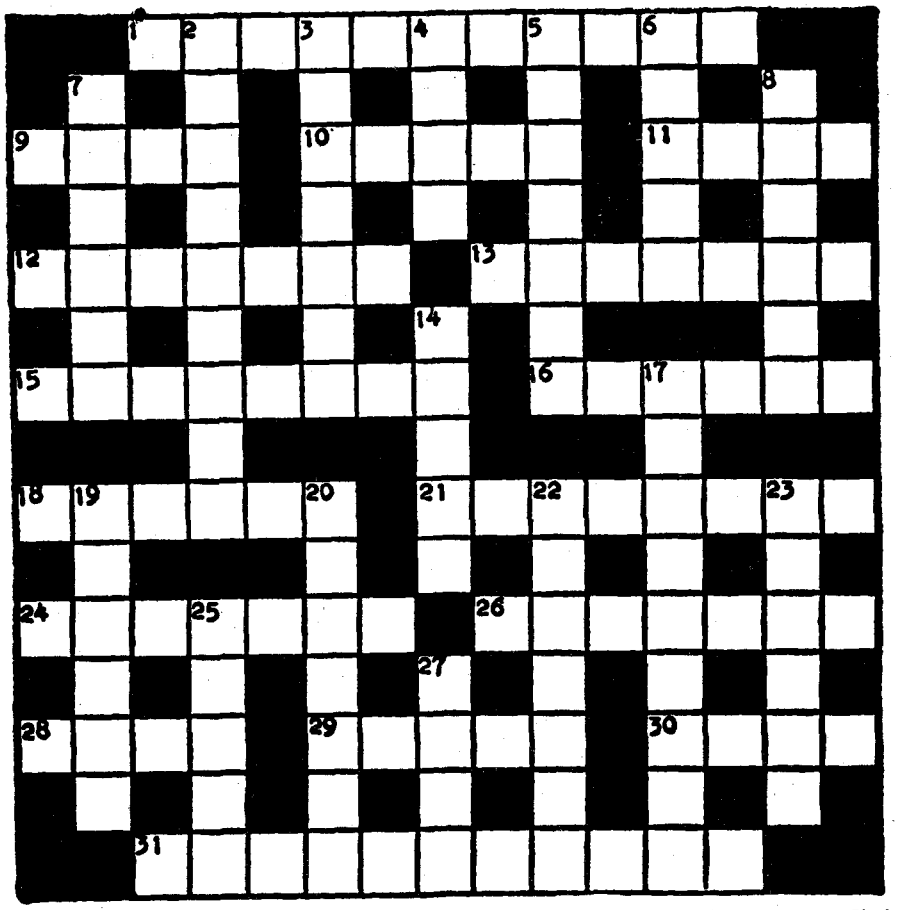
"MEMBER, ENDANGERED SPECIES" bumperstrip, 2/$1; 6/$2.50. **IDEA HOUSE, Box 178-T, Rye, N.Y. 10580.**

NOW is the time for war tax resistance. The most powerful acts against war have been those of the young men of the Resistance who have said **NO** to the draft. Now it is time for those of us who have been paying for the war in Indochina to say **NO** to taxes for war. **Join us! War Tax Resistance, 339 Lafayette St., N.Y., N.Y. 10012. Write and ask for information. Phone: (212) 477-2970.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Crossword Puzzle No. 1462

FRANK W. LEWIS



ACROSS

1 Commonly drunk, with a bad fault in rather fancy disguise. (11)
9 What one might do with potatoes or bran and water. (4)
10 See 29 across
11 The exhilaration of voices in harmony. (4)
12 An easy manner for those who drive fast and far. (7)
13 Take over first. (7)
15 More than one of these, if bossy! (8)
16 Such things were common in 8, with a soft choir arrangement. (6)
18 March might be associated with their entrance. (6)
21 Trial lawyers hope to find sympathy thus, but they might be hurtful. (8)
24 Naturally a creepy one makes a person mad, or hopes to. (7)
26 A small measurement on one, with a gas. (7)
28 See 29 across
29, 10 and 28 Runners detailed by the agriculturist's assistant to be part of the nursery stock-in-trade? (5,5,4)
30 How to copy a number of Romans at the summit? (4)
31 The less bad I make it, the more firmly fixed (11)

DOWN

2 Kind of weasel or fly? (9)
3 How to make the Language Chair be more clearly interpreted? (7)
4 Turned on, like, about an hour before midnight! (4)
5 Suffer to be ground into bits around the point. (7)
6 Fire burning on the hearth. (5)
7 Mimic the words of equal foolishness. (6)
8 A very old section of Philadelphia. (6)
14 Moving around, colorless types don't make quite this. (5)
17 Make the hole according to, and to the purposes of, what the diner did. (9)
19 Beat like canvas, as the mariner says. (6)
20 Woven carpets in various colors? (7)
22 The proper outfits for parachutists? (7)
23 Struck out as Lee did? (6)
25 Thoughts about an article in Roman times? (5)
27 What, in passing, one doesn't write in? (4)

SOLUTION TO PUZZLE NO. 1461

ACROSS: 6 and 1 Live and let live; 10 Assagai; 11 Schools; 12 Readjust; 13 Trevi; 15 India; 17 Expressed; 19 Destroyer; 21 Susie; 23 Arles; 24 and 27 Shades of meaning; 28 Inertia; 29 Rose; 30 Ascendance. DOWN: 1 and 26 Adam's ale; 2 Distend; 3 Egged; 4 Leisurely; 5 Visit; 7 Ironers; 8 East Indies; 9 Chatters; 14 Windjammer; 16 Acrostic; 18 Pervasive; 20 Salaams; 22 Shorten; 24 Signs; 25 Emend.

Readers are invited to send for a free copy of Mr. Lewis' "ground rules." Address Puzzle Department, *The Nation*, 333 Sixth Avenue, New York, N.Y. 10014.

EDUCATIONAL

LEARN SPANISH IN MEXICO. If you really want to learn Spanish intensively and economically, start any Monday at **CIDOC**. For catalog on language school and de-schooled academy, write: **CIDOC, APDO 479, CUERNAVACA, MEXICO.**

OPEN COMMUNITY SCHOOL. An alternative country boarding school where freedom is encouraged in an atmosphere of adult responsibility and concern. Children learn to trust, love and respect both themselves and others through learning and playing together and in sharing the responsibility of freedom with adults. The children choose from a rich curriculum of academics as well as arts, crafts, music, organic gardening, animals, drama, pottery, riding, photography, camping, etc. Accepting ages 6-16. **For brochure: Open Community School, Box 305N, Claverack, N.Y. 12513. (518) 851-3311.**

EXTERNAL DEGREE PROGRAM for well informed, highly motivated adults wishing to complete undergraduate education. Two-week resident periods on Goddard campus alternate with six-month independent study projects carried on at home under faculty supervision. Program leads to Goddard Bachelor of Arts degree. **Write Box E, Adult Degree Program, Goddard College, Plainfield, Vermont 05667.**

MUSIC

RECORDER, GUITAR, GAMBA MUSIC. Write for free listings. **Provincetown Bookshop, 246 Commercial St., Provincetown, Mass. 02657.**

FREE 162-PAGE CATALOG offers over 1,000 fine recordings of **Renaissance, Baroque, Classical, Romantic and Modern music.** All late stereo recordings. Highest quality at budget label prices. Available only by mail from **MUSICAL HERITAGE SOCIETY, Box 932 NA, New York, N.Y. 10023.**

LITERARY SERVICES

AUTHORS: WANT TO BE PUBLISHED? Inexpensive subsidy publishing. **MOJAVE BOOKS, 7040-A Darby Avenue, Reseda, California 91335**

MONEY MAKING OPPORTUNITIES

HOW TO MAKE MONEY WRITING SHORT PARAGRAPHS! I tell you what to write, where and how to sell, and supply lists of editors buying from beginners. Small checks can add up to worthwhile extra income. Write to sell right away. Send for free facts. **BARRETT, Dept. C-468-P, 6216 N. Clark, Chicago 60660.**

SERVICES

LAKETON VANS. The complete-service movers. Licensed, Insured, Trustworthy. Get the best for less. **Call (212) 672-5092.**

QUICK (BUT CAREFUL) MOVERS. Household or commercial. Realistic estimates. Reasonable rates. Insured. No job too small. **(212) 260-3141.**

MOVING? Professional moving at competitive rates. Anytime, anywhere. Licensed, insured, experienced. **THE COVERED WAGON, ALgonquin 5-1788 (N.Y.C.)**

ADVERTISING RATES

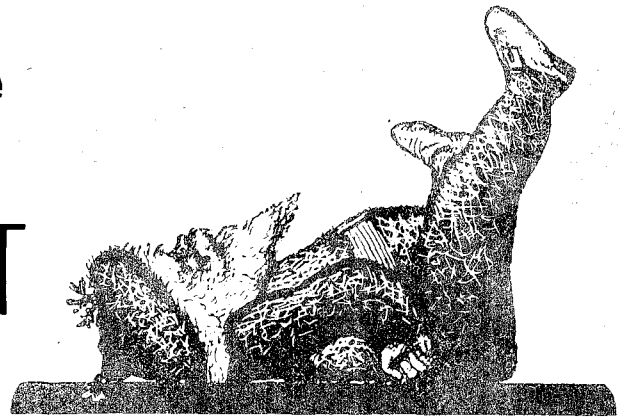
Classified: 74c a line (6 words) 3 line min.

Classified Display: $7.42 per inch (min.)

THE NATION, 333 Sixth Ave., N. Y. 10014
242-8400

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This Christmas . . . give Gift Subscriptions to THE NATION



. . . Help prove that

Santa Claus is not Dead!

Alive and kicking, thanks to you! Yes, The Nation makes a thoughtful gift for friends and relatives . . . and especially for students on your list.

Why *not* give The Nation! It's the perfect "conversation-starter" for anyone who needs to know the facts behind the news . . . the why's and wherefore's about the most critical topics of the day.

You'll be thanked, again and again, as each weekly issue arrives. And you'll be doing your gift shopping the *easy* way, too.

All it takes is a moment of your time to fill in the coupon below. We'll be glad to send gift-cards to your recipients, hand-signed in your name. Just leave all the details to us. (Incidentally, you may also enter (or extend) your *own* subscription at this same low rate.)

Best of all, you won't be billed until after the first of *next January*, unless you prefer to enclose your remittance now.

FIRST GIFT only . . . $12.50 for 48 issues

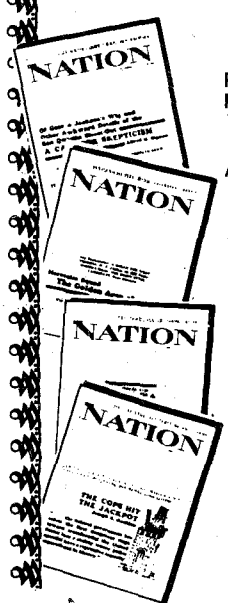
ADDITIONAL GIFTS only . . . $10.00 for 48 issues

ORDER EARLY! Rates will soon be increased to $15.00 for the first gift; $12.50 for each additional gift.

THE NATION
333 Sixth Avenue / New York, N.Y. 10014

GIFT ORDER FORM

Please enter the following gift subscriptions for 1 year (48 issues).
First gift, $12.50; additional gifts, $10.00 each.



PRINT
Friend's Name _____

Address _____

City _____ State _____ Zip _____

Send gift card signed _____

PRINT
Friend's Name _____

Address _____

City _____ State _____ Zip _____

Send gift card signed _____

☐ I enclose $ _____ payment in full.

☐ Bill me later

(Please use a separate slip for additional gift subscriptions.)

Your Name _____

Address _____

City _____ State _____ Zip _____

Please ☐ enter ☐ extend my own subscription at this same low 1-year rate.

11-6-72

ETSU LIBRARY
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED